

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE SUBSTITUTE FOR

SENATE BILL NO. 58

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR STOUFFER.

Offered March 10, 2009.

Senate Substitute adopted, March 11, 2009.

Taken up for Perfection March 11, 2009. Bill declared Perfected and Ordered Printed, as amended.

TERRY L. SPIELER, Secretary.

0165S.05P

AN ACT

To repeal sections 21.795, 23.140, 226.030, 301.147, 301.190, 301.3150, 301.3152, 301.3154, 302.230, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.350, 311.326, 387.040, 643.303, and 643.315, RSMo, and to enact in lieu thereof twenty-seven new sections relating to transportation, with penalty provisions and an effective date for certain sections.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 21.795, 23.140, 226.030, 301.147, 301.190, 301.3150, 301.3152, 301.3154, 302.230, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 307.350, 311.326, 387.040, 643.303, and 643.315, RSMo, are repealed and twenty-seven new sections enacted in lieu thereof, to be known as sections 21.795, 23.140, 226.030, 227.295, 227.310, 301.147, 301.190, 301.3150, 301.3154, 302.230, 302.341, 302.545, 302.700, 302.735, 302.755, 302.775, 304.155, 304.170, 304.260, 304.284, 304.285, 304.820, 307.350, 311.326, 387.040, 643.303, and 643.315, to read as follows:

21.795. 1. There is established a permanent joint committee of the general assembly to be known as the "Joint Committee on Transportation Oversight" to be composed of seven members of the standing transportation committees of both the senate and the house of representatives and three nonvoting ex officio members. Of the fourteen members to be appointed to the joint committee, the seven senate members of the joint committee shall be

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

7 appointed by the president pro tem of the senate and minority leader of the
8 senate and the seven house members shall be appointed by the speaker of the
9 house of representatives and the minority floor leader of the house of
10 representatives. No major party shall be represented by more than four members
11 from the house of representatives nor more than four members from the
12 senate. The ex officio members shall be the state auditor, the director of the
13 oversight division of the committee on legislative research, and the commissioner
14 of the office of administration or the designee of such auditor, director or
15 commissioner. The joint committee shall be chaired jointly by both chairs of the
16 senate and house transportation committees. A majority of the committee shall
17 constitute a quorum, but the concurrence of a majority of the members, other
18 than the ex officio members, shall be required for the determination of any matter
19 within the committee's duties.

20 2. [The transportation inspector general shall be appointed by majority
21 vote of a group consisting of the speaker of the house of representatives, the
22 minority floor leader of the house of representatives, the president pro tempore
23 of the senate, and the minority floor leader of the senate. It shall be the duty of
24 the inspector general to serve as the executive director of the joint committee on
25 transportation oversight. The compensation of the inspector general and other
26 personnel shall be paid from the joint contingent fund or jointly from the senate
27 and house contingent funds until an appropriation is made therefor. No funds
28 from highway user fees or other funds allocated for the operation of the
29 department of transportation shall be used for the compensation of the inspector
30 general and his or her staff. The joint committee inspector general initially
31 appointed pursuant to this section shall take office January 1, 2004, for a term
32 ending June 30, 2005. Subsequent joint committee on transportation oversight
33 directors shall be appointed for five-year terms, beginning July 1, 2005. Any joint
34 committee on transportation oversight inspector general whose term is expiring
35 shall be eligible for reappointment. The inspector general of the joint committee
36 on transportation oversight shall:

37 (1) Be qualified by training or experience in transportation policy,
38 management of transportation organizations, accounting, auditing, financial
39 analysis, law, management analysis, or public administration;

40 (2) Report to and be under the general supervision of the joint
41 committee. The joint committee on transportation oversight shall, by a majority
42 vote, direct the inspector general to perform specific investigations, reviews,
43 audits, or other studies of the state department of transportation, in which

44 instance the director shall report the findings and recommendations directly to
45 the joint committee on transportation oversight. All investigations, reviews,
46 audits, or other studies performed by the director shall be conducted so that the
47 general assembly can procure information to assist it in formulating
48 transportation legislation and policy for this state;

49 (3) Receive and process citizen complaints relating to transportation
50 issues. The inspector general shall, when necessary, submit a written complaint
51 report to the joint committee on transportation oversight and the highways and
52 transportation commission. The complaint report shall contain the date, time,
53 nature of the complaint, and any immediate facts and circumstances surrounding
54 the initial report of the complaint. The inspector general shall investigate a
55 citizen complaint if he or she is directed to do so by a majority of the joint
56 committee on transportation oversight;

57 (4) Investigate complaints from current and former employees of the
58 department of transportation if the inspector general receives information from
59 an employee which shows:

60 (a) The department is violating a law, rule, or regulation;

61 (b) Gross mismanagement by department officers;

62 (c) Waste of funds by the department;

63 (d) That the department is engaging in activities which pose a danger to
64 public health and safety;

65 (5) Maintain confidentiality with respect to all matters and the identities
66 of the complainants or witnesses coming before the inspector general except
67 insofar as disclosures may be necessary to enable the inspector general to carry
68 out duties and to support recommendations;

69 (6) Maintain records of all investigations conducted, including any record
70 or document or thing, any summary, writing, complaint, data of any kind, tape
71 or video recordings, electronic transmissions, e-mail, or other paper or electronic
72 documents, records, reports, digital recordings, photographs, software programs
73 and software, expense accounts, phone logs, diaries, travel logs, or other things,
74 including originals or copies of any of the above. Records of investigations by the
75 inspector general shall be an "investigative report" of a law enforcement agency
76 pursuant to the provisions of section 610.100, RSMo. As provided in such section,
77 such records shall be a closed record until the investigation becomes inactive. If
78 the inspector general refers a violation of law to the appropriate prosecuting
79 attorney or the attorney general, such records shall be transmitted with the
80 referral. If the inspector general finds no violation of law or determines not to

81 refer the subject of the investigation to the appropriate prosecuting attorney or
82 the attorney general regarding matters referred to the appropriate prosecuting
83 attorney or the attorney general and the statute of limitations expires without
84 any action being filed, the record shall remain closed. As provided in section
85 610.100, RSMo, any person may bring an action pursuant to this section in the
86 circuit court having jurisdiction to authorize disclosure of information in the
87 records of the inspector general which would otherwise be closed pursuant to this
88 section. Any disclosure of records by the inspector general in violation of this
89 section shall be grounds for a suit brought by any individual, person, or
90 corporation to recover damages, and upon award to the plaintiff reasonable
91 attorney's fees.

92 3.] The department of transportation shall submit a written report prior
93 to November tenth of each year to the governor, lieutenant governor, and every
94 member of the senate and house of representatives. The report shall be posted
95 to the department's Internet web site so that general assembly members may
96 elect to access a copy of the report electronically. The written report shall contain
97 the following:

98 (1) A comprehensive financial report of all funds for the preceding state
99 fiscal year which shall include a report by independent certified public
100 accountants, selected by the commissioner of the office of administration,
101 attesting that the financial statements present fairly the financial position of the
102 department in conformity with generally accepted government accounting
103 principles. This report shall include amounts of:

104 (a) State revenues by sources, including all new state revenue derived
105 from highway users which results from action of the general assembly or
106 voter-approved measures taken after August 28, 2003, and projects funded in
107 whole or in part from such new state revenue, and amounts of federal revenues
108 by source;

109 (b) Any other revenues available to the department by source;

110 (c) Funds appropriated, the amount the department has budgeted and
111 expended for the following: contracts, right-of-way purchases, preliminary and
112 construction engineering, maintenance operations and administration;

113 (d) Total state and federal revenue compared to the revenue estimate in
114 the fifteen-year highway plan as adopted in 1992.

115 All expenditures made by, or on behalf of, the department for personal services
116 including fringe benefits, all categories of expense and equipment, real estate and
117 capital improvements shall be assigned to the categories listed in this subdivision

118 in conformity with generally accepted government accounting principles;

119 (2) A detailed explanation of the methods or criteria employed to select
120 construction projects, including a listing of any new or reprioritized projects not
121 mentioned in a previous report, and an explanation as to how the new or
122 reprioritized projects meet the selection methods or criteria;

123 (3) The proposed allocation and expenditure of moneys and the proposed
124 work plan for the current fiscal year, at least the next four years, and for any
125 period of time expressed in any public transportation plan approved by either the
126 general assembly or by the voters of Missouri. This proposed allocation and
127 expenditure of moneys shall include the amounts of proposed allocation and
128 expenditure of moneys in each of the categories listed in subdivision (1) of this
129 subsection;

130 (4) The amounts which were planned, estimated and expended for projects
131 in the state highway and bridge construction program or any other projects
132 relating to other modes of transportation in the preceding state fiscal year and
133 amounts which have been planned, estimated or expended by project for
134 construction work in progress;

135 (5) The current status as to completion, by project, of the fifteen-year road
136 and bridge program adopted in 1992. The first written report submitted pursuant
137 to this section shall include the original cost estimate, updated estimate and final
138 completed cost by project. Each written report submitted thereafter shall include
139 the cost estimate at the time the project was placed on the most recent five-year
140 highway and bridge construction plan and the final completed cost by project;

141 (6) The reasons for cost increases or decreases exceeding five million
142 dollars or ten percent relative to cost estimates and final completed costs for
143 projects in the state highway and bridge construction program or any other
144 projects relating to other modes of transportation completed in the preceding
145 state fiscal year. Cost increases or decreases shall be determined by comparing
146 the cost estimate at the time the project was placed on the most recent five-year
147 highway and bridge construction plan and the final completed cost by
148 project. The reasons shall include the amounts resulting from inflation,
149 department-wide design changes, changes in project scope, federal mandates, or
150 other factors;

151 (7) Specific recommendations for any statutory or regulatory changes
152 necessary for the efficient and effective operation of the department;

153 (8) An accounting of the total amount of state, federal and earmarked
154 federal highway funds expended in each district of the department of

155 transportation; and

156 (9) Any further information specifically requested by the joint committee
157 on transportation oversight.

158 [4.] 3. Prior to December first of each year, the committee shall hold an
159 annual meeting and call before its members, officials or employees of the state
160 highways and transportation commission or department of transportation, as
161 determined by the committee, for the sole purpose of receiving and examining the
162 report required pursuant to subsection [3] 2 of this section. [The joint committee
163 may also call before its members at the annual meeting, the inspector general of
164 the joint committee on transportation oversight for purposes authorized in this
165 section.] The committee shall not have the power to modify projects or priorities
166 of the state highways and transportation commission or department of
167 transportation. The committee may make recommendations to the state highways
168 and transportation commission or the department of transportation. Disposition
169 of those recommendations shall be reported by the commission or the department
170 to the joint committee on transportation oversight.

171 [5.] 4. In addition to the annual meeting required by subsection [4] 3 of
172 this section, the committee shall meet two times each year. The co-chairs of the
173 committee shall establish an agenda for each meeting that may include, but not
174 be limited to, the following items to be discussed with the committee members
175 throughout the year during the scheduled meeting:

176 (1) Presentation of a prioritized plan for all modes of transportation;

177 (2) Discussion of department efficiencies and expenditure of cost-savings
178 within the department;

179 (3) Presentation of a status report on department of transportation
180 revenues and expenditures, including a detailed summary of projects funded by
181 new state revenue as provided in paragraph (a) of subdivision (1) of subsection
182 [3] 2 of this section; **and**

183 (4) [Review of any report from the joint committee inspector general; and

184 (5)] Implementation of any actions as may be deemed necessary by the
185 committee as authorized by law.

186 The co-chairs of the committee may call special meetings of the committee with
187 ten days' notice to the members of the committee, the director of the department
188 of transportation, and the department of transportation.

189 [6. The committee shall also review for approval or denial all applications
190 for the development of specialty plates submitted to it by the department of
191 revenue. The committee shall approve such application by unanimous vote. The

192 committee shall not approve any application if the committee receives a signed
193 petition from five house members or two senators that they are opposed to the
194 approval of the proposed license plate. The committee shall notify the director
195 of the department of revenue upon approval or denial of an application for the
196 development of a specialty plate.

197 7.] 5. The committee shall submit records of its meetings to the secretary
198 of the senate and the chief clerk of the house of representatives in accordance
199 with sections 610.020 and 610.023, RSMo.

23.140. 1. Legislation, with the exception of appropriation bills,
2 introduced into either house of the general assembly shall, before being acted
3 upon, be submitted to the oversight division of the committee on legislative
4 research for the preparation of a fiscal note. The staff of the oversight division
5 shall prepare a fiscal note, examining the items contained in subsection 2 and
6 such additional items as may be provided either by joint rule of the house and
7 senate or by resolution adopted by the committee or the oversight subcommittee.

8 2. The fiscal note shall state:

9 (1) The cost of the proposed legislation to the state for the next two fiscal
10 years;

11 (2) Whether or not the proposed legislation will establish a program or
12 agency that will duplicate an existing program or agency;

13 (3) Whether or not there is a federal mandate for the program or agency;

14 (4) Whether or not the proposed program or agency will have significant
15 direct fiscal impact upon any political subdivision of the state;

16 (5) Whether or not any new physical facilities will be required; and

17 (6) Whether or not the proposed legislation will have an economic impact
18 on small businesses. For the purpose of this subdivision "small business" means
19 a corporation, partnership, sole proprietorship or other business entity, including
20 its affiliates, that:

21 (a) Is independently owned and operated; and

22 (b) Employs fifty or fewer full-time employees.

23 3. **Every fiscal note accompanying a bill containing a provision**
24 **establishing a specialty license plate shall state whether or not the**
25 **proposed legislation has been evaluated by the department of revenue**
26 **under the provisions of section 301.3150, RSMo. The fiscal note shall**
27 **include a copy of the organization's application for the development of**
28 **the specialty plate and shall specifically state whether or not the**
29 **organization has the requisite number of potential applicants and**

30 **whether the organization has paid the requisite application fee as**
31 **required by section 301.3150, RSMo.**

32 4. The fiscal note for a bill shall accompany the bill throughout its course
33 of passage. No member of the general assembly, lobbyist or persons other than
34 oversight division staff members shall participate in the preparation of any fiscal
35 note unless the communication is in writing, with a duplicate to be filed with the
36 fiscal note or unless requested for information by the fiscal analyst preparing the
37 note. Violations of this provision shall be reported to the chairman of the
38 legislative research committee and subject the fiscal note and proposed bill to
39 subcommittee review. Once a fiscal note has been signed and approved by the
40 director of the oversight division, the note shall not be changed or revised without
41 prior approval of the chairman of the legislative research committee, except to
42 reflect changes made in the bill it accompanies, or to correct patent typographical,
43 clerical or drafting errors that do not involve changes of substance, nor shall
44 substitution be made therefor. Appeals to revise, change or to substitute a fiscal
45 note shall be made in writing by a member of the general assembly to the
46 chairman of the legislative research committee and a hearing before the
47 committee or subcommittee shall be granted as soon as possible. Any member of
48 the general assembly, upon presentation of new or additional material, may,
49 within three legislative days after the hearing on the request to revise, change
50 or substitute a fiscal note, request one rehearing before the full committee to
51 further consider the requested change. The subcommittee, if satisfied that new
52 or additional material has been presented, may recommend such rehearing to the
53 full committee, and the rehearing shall be held as soon as possible thereafter.

54 [4.] 5. The director of the division, hereinafter provided for, or the
55 director's designees, shall seek information and advice from the affected
56 department, division or agency of state government and shall call upon the
57 research staffs of the house of representatives and of the senate, and upon the
58 staffs of the house and senate appropriations committees for assistance in
59 carrying out fiscal notes and auditing functions and duties, during the interim,
60 and each staff shall supply such information or advice as it may possess in
61 response to the inquiry. The state auditor shall, upon request, cooperate and
62 provide assistance in the conduct of audits and the preparation of reports made
63 in connection therewith.

226.030. 1. The highways and transportation commission shall consist of
2 six members, who shall be appointed by the governor, by and with the advice and
3 consent of the senate, not more than three thereof to be members of the same

4 political party. Each commissioner shall be a taxpayer and resident of state for
5 at least five years prior to his appointment. Any commissioner may be removed
6 by the governor if fully satisfied of his inefficiency, neglect of duty, or misconduct
7 in office. Commissioners appointed pursuant to this section shall be appointed
8 for terms of six years, except as otherwise provided in this subsection. Upon the
9 expiration of each of the foregoing terms of these commissioners a successor shall
10 be appointed for a term of six years or until his successor is appointed and
11 qualified which term of six years shall thereafter be the length of term of each
12 member of the commission unless removed as above provided. The members of
13 the commission shall receive as compensation for their services twenty-five
14 dollars per day for the time spent in the performance of their official duties, and
15 also their necessary traveling and other expenses incurred while actually engaged
16 in the discharge of their official duties. Members whose terms otherwise expire
17 December 1, 2003, shall serve with terms expiring March 1, 2004, and new
18 members or the members reappointed shall be appointed for terms expiring
19 March 1, 2005; a member whose term otherwise expires December 1, 2005, shall
20 serve with a term expiring March 1, 2007; a member whose term otherwise
21 expires December 1, 2007, shall serve with a term expiring March 1, 2009; and
22 one member whose term otherwise expires October 13, 2007, shall serve with a
23 term expiring March 1, 2007; and one member whose term otherwise expires
24 October 13, 2007, shall serve with a term expiring March 1, 2009. If a vacancy
25 occurs in any term of a commissioner due to death, resignation, or removal, a
26 successor shall be appointed for only the remainder of the unexpired term.

27 2. The two members of the commission, one each from opposing political
28 parties, who have the most seniority in commission service shall serve as
29 commission leadership with one member as chair and the other member as vice
30 chair, respectively, for terms ending March 1, 2005. The commission shall elect
31 one of the members as chair and the other as vice chair. Effective March 1, 2005,
32 the commission shall elect the two members of the commission, one from each
33 opposing political party who has the most seniority in commission service, who
34 shall serve as commission leadership with one member as chair and the other
35 member as vice chair, respectively, for one year. At the end of such year, the
36 **[member] members** currently serving as chair **[shall then serve as] and** vice
37 chair **shall have the option to rotate positions**, and the member currently
38 serving as vice chair **[shall] may** serve as chair, **[each to serve in such position**
39 **for one year] and vice versa**. Thereafter, commission leadership shall continue
40 to rotate accordingly with the two members from opposing political parties who

41 have the most seniority in terms of commission service being elected by the
42 commission to serve as commission leadership. If one of the commission
43 leadership offices becomes vacant due to death, resignation, removal, or refuses
44 to serve before the one-year leadership term expires, the commission shall elect
45 one of its members that is of the same political party as the vacating officer to
46 serve the remainder of the vacating officer's leadership term. Such election shall
47 not prohibit that member from later serving as chair and vice chair when such
48 member's seniority in commission service qualifies him or her for those offices as
49 provided in this subsection.

50 3. No more than one-half of the members of the commission shall be of the
51 same political party. The selection and removal of all employees of the
52 department of transportation shall be without regard to political affiliation.

53 4. The present members of the commission shall continue to serve as
54 members of the commission for the remainder of the terms for which they were
55 appointed, except as provided in subsection 1 of this section.

56 5. [The director of the department of transportation shall, by February
57 fifteenth of each year, present an annual state of the state of transportation to a
58 joint session of the general assembly. The six members of the commission shall
59 be present and available at such presentations for questions by members. The
60 transportation inspector general may also be present and report to the general
61 assembly on any matter of concern within his or her statutory authority. The
62 provisions of this subsection shall expire August 28, 2008.

63 6.] Any member reappointed shall only be eligible to serve as chair or
64 vice-chair during the final two years of such member's reappointment.

**227.295. 1. The department of transportation shall establish and
2 administer a drunk driving risk reduction awareness program. The
3 provisions of this section shall be known as "David's Law". The signs
4 shall be placed upon the state highways in accordance with this
5 section, placement guidelines adopted by the department, and any
6 applicable federal limitations or conditions on highway signage,
7 including location and spacing.**

8 **2. The department shall adopt, by rules and regulations, program
9 guidelines for the application for and placement of signs authorized by
10 this section, including, but not limited to, the sign application and
11 qualification process, the procedure for the dedication of signs, and
12 procedures for the replacement or restoration of any signs that are
13 damaged or stolen. The department shall also establish by rule,**

14 application procedures and methods for proving eligibility for the
15 program.

16 3. Any person may apply to the department of transportation to
17 sponsor a drunk driving victim memorial sign in memory of an
18 immediate family member who died as a result of a motor vehicle
19 accident caused by a person who was shown to have been operating a
20 motor vehicle in violation of section 577.010 or 577.012, RSMo, or was
21 committing an intoxication-related traffic offense at the time of the
22 accident. Upon the request of an immediate family member of the
23 deceased victim involved in a drunk driving accident, the department
24 shall place a sign in accordance with this section. A person who is not
25 a member of the immediate family may also submit a request to have
26 a sign placed under this section if that person also submits the written
27 consent of an immediate family member. The department shall charge
28 the sponsoring party a fee to cover the department's cost in designing,
29 constructing, placing, and maintaining that sign, and the department's
30 costs in administering this section. Signs erected under this section
31 shall remain in place for a period of ten years. After the expiration of
32 the ten-year period, the department shall remove the sign unless the
33 sponsoring party remits to the department of transportation a ten-year
34 renewable fee to cover maintenance costs associated with the sign.

35 4. The signs shall feature the words "Drunk Driving Victim!", the
36 initials of the victim, the month and year in which the victim of the
37 drunk driving accident was killed, and the phrase "Who's Next?". The
38 overall design of the sign, including size, color, and lettering, shall
39 conform to the guidelines and regulations established by the
40 department. The signs shall be placed near the scene of the accident.

41 5. All roadside memorials or markers commemorating the death
42 of a drunk driving victim not meeting the provisions of this section are
43 prohibited. No person, other than a department of transportation
44 employee or the department's designee, may erect a drunk driving
45 victim memorial sign.

46 6. As used in this section, the term "immediate family member"
47 shall mean spouse, child, stepchild, brother, stepbrother, sister,
48 stepsister, mother, stepmother, father, or stepfather.

49 7. The department shall adopt rules and regulations to
50 implement and administer the provisions of this section. Any rule or

51 **portion of a rule, as that term is defined in section 536.010, RSMo, that**
52 **is created under the authority delegated in this section shall become**
53 **effective only if it complies with and is subject to all of the provisions**
54 **of chapter 536, RSMo, and, if applicable, section 536.028, RSMo. This**
55 **section and chapter 536, RSMo, are nonseverable and if any of the**
56 **powers vested with the general assembly pursuant to chapter 536,**
57 **RSMo, to review, to delay the effective date, or to disapprove and annul**
58 **a rule are subsequently held unconstitutional, then the grant of**
59 **rulemaking authority and any rule proposed or adopted after August**
60 **28, 2009, shall be invalid and void.**

227.310. **The portion of Missouri highway 100 located in Franklin**
2 **County, from its intersection with Missouri highway 47, to the**
3 **highway's connection with Interstate highway 44, shall be designated**
4 **as the "Veterans Memorial Highway". The department of transportation**
5 **shall erect and maintain appropriate signs designating such highway,**
6 **with the costs for such designation to be paid for by the city of**
7 **Washington.**

301.147. 1. Notwithstanding the provisions of section 301.020 to the
2 contrary, beginning July 1, 2000, the director of revenue may provide owners of
3 motor vehicles, other than commercial motor vehicles licensed in excess of twelve
4 thousand pounds gross weight, the option of biennially registering motor
5 vehicles. Any vehicle manufactured as an even-numbered model year vehicle
6 shall be renewed each even-numbered calendar year and any such vehicle
7 manufactured as an odd-numbered model year vehicle shall be renewed each
8 odd-numbered calendar year, subject to the following requirements:

9 (1) The fee collected at the time of biennial registration shall include the
10 annual registration fee plus a pro rata amount for the additional twelve months
11 of the biennial registration;

12 (2) Presentation of all documentation otherwise required by law for
13 vehicle registration including, but not limited to, a personal property tax receipt
14 or certified statement for the preceding year that no such taxes were due as set
15 forth in section 301.025, proof of a motor vehicle safety inspection, **if applicable,**
16 and any applicable emission inspection conducted within sixty days prior to the
17 date of application and proof of insurance as required by section 303.026, RSMo.

18 2. The director of revenue may prescribe rules and regulations for the
19 effective administration of this section. The director is authorized to adopt those
20 rules that are reasonable and necessary to accomplish the limited duties

21 specifically delegated within this section. Any rule or portion of a rule, as that
22 term is defined in section 536.010, RSMo, that is promulgated pursuant to the
23 authority delegated in this section shall become effective only if it has been
24 promulgated pursuant to the provisions of chapter 536, RSMo. This section and
25 chapter 536, RSMo, are nonseverable and if any of the powers vested with the
26 general assembly pursuant to chapter 536, RSMo, to review, to delay the effective
27 date or to disapprove and annul a rule are subsequently held unconstitutional,
28 then the grant of rulemaking authority and any rule proposed or adopted after
29 July 1, 2000, shall be invalid and void.

30 3. The director of revenue shall have the authority to stagger the
31 registration period of motor vehicles other than commercial motor vehicles
32 licensed in excess of twelve thousand pounds gross weight. Once the owner of a
33 motor vehicle chooses the option of biennial registration, such registration must
34 be maintained for the full twenty-four month period.

301.190. 1. No certificate of registration of any motor vehicle or trailer,
2 or number plate therefor, shall be issued by the director of revenue unless the
3 applicant therefor shall make application for and be granted a certificate of
4 ownership of such motor vehicle or trailer, or shall present satisfactory evidence
5 that such certificate has been previously issued to the applicant for such motor
6 vehicle or trailer. Application shall be made within thirty days after the
7 applicant acquires the motor vehicle or trailer upon a blank form furnished by the
8 director of revenue and shall contain the applicant's identification number, a full
9 description of the motor vehicle or trailer, the vehicle identification number, and
10 the mileage registered on the odometer at the time of transfer of ownership, as
11 required by section 407.536, RSMo, together with a statement of the applicant's
12 source of title and of any liens or encumbrances on the motor vehicle or trailer,
13 provided that for good cause shown the director of revenue may extend the period
14 of time for making such application.

15 2. The director of revenue shall use reasonable diligence in ascertaining
16 whether the facts stated in such application are true and shall, to the extent
17 possible without substantially delaying processing of the application, review any
18 odometer information pertaining to such motor vehicle that is accessible to the
19 director of revenue. If satisfied that the applicant is the lawful owner of such
20 motor vehicle or trailer, or otherwise entitled to have the same registered in his
21 name, the director shall thereupon issue an appropriate certificate over his
22 signature and sealed with the seal of his office, procured and used for such
23 purpose. The certificate shall contain on its face a complete description, vehicle

24 identification number, and other evidence of identification of the motor vehicle
25 or trailer, as the director of revenue may deem necessary, together with the
26 odometer information required to be put on the face of the certificate pursuant to
27 section 407.536, RSMo, a statement of any liens or encumbrances which the
28 application may show to be thereon, and, if ownership of the vehicle has been
29 transferred, the name of the state issuing the transferor's title and whether the
30 transferor's odometer mileage statement executed pursuant to section 407.536,
31 RSMo, indicated that the true mileage is materially different from the number of
32 miles shown on the odometer, or is unknown.

33 3. The director of revenue shall appropriately designate on the current
34 and all subsequent issues of the certificate the words "Reconstructed Motor
35 Vehicle", "Motor Change Vehicle", "Specially Constructed Motor Vehicle", or
36 "Non-USA-Std Motor Vehicle", as defined in section 301.010. Effective July 1,
37 1990, on all original and all subsequent issues of the certificate for motor vehicles
38 as referenced in subsections 2 and 3 of section 301.020, the director shall print
39 on the face thereof the following designation: "Annual odometer updates may be
40 available from the department of revenue.". On any duplicate certificate, the
41 director of revenue shall reprint on the face thereof the most recent of either:

42 (1) The mileage information included on the face of the immediately prior
43 certificate and the date of purchase or issuance of the immediately prior
44 certificate; or

45 (2) Any other mileage information provided to the director of revenue, and
46 the date the director obtained or recorded that information.

47 4. The certificate of ownership issued by the director of revenue shall be
48 manufactured in a manner to prohibit as nearly as possible the ability to alter,
49 counterfeit, duplicate, or forge such certificate without ready detection. In order
50 to carry out the requirements of this subsection, the director of revenue may
51 contract with a nonprofit scientific or educational institution specializing in the
52 analysis of secure documents to determine the most effective methods of
53 rendering Missouri certificates of ownership nonalterable or noncounterfeitable.

54 5. The fee for each original certificate so issued shall be eight dollars and
55 fifty cents, in addition to the fee for registration of such motor vehicle or trailer.
56 If application for the certificate is not made within thirty days after the vehicle
57 is acquired by the applicant, a delinquency penalty fee of twenty-five dollars for
58 the first thirty days of delinquency and twenty-five dollars for each thirty days
59 of delinquency thereafter, not to exceed a total of two hundred dollars, but such
60 penalty may be waived by the director for a good cause shown. If the director of

61 revenue learns that any person has failed to obtain a certificate within thirty
62 days after acquiring a motor vehicle or trailer or has sold a vehicle without
63 obtaining a certificate, he shall cancel the registration of all vehicles registered
64 in the name of the person, either as sole owner or as a co-owner, and shall notify
65 the person that the cancellation will remain in force until the person pays the
66 delinquency penalty fee provided in this section, together with all fees, charges
67 and payments which the person should have paid in connection with the
68 certificate of ownership and registration of the vehicle. The certificate shall be
69 good for the life of the motor vehicle or trailer so long as the same is owned or
70 held by the original holder of the certificate and shall not have to be renewed
71 annually.

72 6. Any applicant for a certificate of ownership requesting the department
73 of revenue to process an application for a certificate of ownership in an
74 expeditious manner requiring special handling shall pay a fee of five dollars in
75 addition to the regular certificate of ownership fee.

76 7. It is unlawful for any person to operate in this state a motor vehicle or
77 trailer required to be registered under the provisions of the law unless a
78 certificate of ownership has been applied for as provided in this section.

79 8. Before an original Missouri certificate of ownership is issued, an
80 inspection of the vehicle and a verification of vehicle identification numbers shall
81 be made by the Missouri state highway patrol on vehicles for which there is a
82 current title issued by another state if a Missouri salvage certificate of title has
83 been issued for the same vehicle but no prior inspection and verification has been
84 made in this state, except that if such vehicle has been inspected in another state
85 by a law enforcement officer in a manner comparable to the inspection process in
86 this state and the vehicle identification numbers have been so verified, the
87 applicant shall not be liable for the twenty-five dollar inspection fee if such
88 applicant submits proof of inspection and vehicle identification number
89 verification to the director of revenue at the time of the application. The
90 applicant, who has such a title for a vehicle on which no prior inspection and
91 verification have been made, shall pay a fee of twenty-five dollars for such
92 verification and inspection, payable to the director of revenue at the time of the
93 request for the application, which shall be deposited in the state treasury to the
94 credit of the state highways and transportation department fund.

95 9. Each application for an original Missouri certificate of ownership for
96 a vehicle which is classified as a reconstructed motor vehicle, specially
97 constructed motor vehicle, kit vehicle, motor change vehicle, non-USA-std motor

98 vehicle, or other vehicle as required by the director of revenue shall be
99 accompanied by a vehicle examination certificate issued by the Missouri state
100 highway patrol, or other law enforcement agency as authorized by the director of
101 revenue. The vehicle examination shall include a verification of vehicle
102 identification numbers and a determination of the classification of the
103 vehicle. The owner of a vehicle which requires a vehicle examination certificate
104 shall present the vehicle for examination and obtain a completed vehicle
105 examination certificate prior to submitting an application for a certificate of
106 ownership to the director of revenue. The fee for the vehicle examination
107 application shall be twenty-five dollars and shall be collected by the director of
108 revenue at the time of the request for the application and shall be deposited in
109 the state treasury to the credit of the state highways and transportation
110 department fund. If the vehicle is also to be registered in Missouri, the safety
111 inspection required in chapter 307, RSMo, and the emissions inspection required
112 under chapter 643, RSMo, shall be completed and the fees required by section
113 307.365, RSMo, and section 643.315, RSMo, shall be charged to the owner.

114 10. When an application is made for an original Missouri certificate of
115 ownership for a motor vehicle previously registered or titled in a state other than
116 Missouri or as required by section 301.020, it shall be accompanied by a current
117 inspection form certified by a duly authorized official inspection station as
118 described in chapter 307, RSMo. The completed form shall certify that the
119 manufacturer's identification number for the vehicle has been inspected, that it
120 is correctly displayed on the vehicle and shall certify the reading shown on the
121 odometer at the time of inspection. The inspection station shall collect the same
122 fee as authorized in section 307.365, RSMo, for making the inspection, and the
123 fee shall be deposited in the same manner as provided in section 307.365, RSMo.
124 If the vehicle is also to be registered in Missouri, the safety inspection required
125 in chapter 307, RSMo, **if such inspection is otherwise required under**
126 **section 307.350, RSMo**, and the emissions inspection required under chapter
127 643, RSMo, shall be completed and only the fees required by section 307.365,
128 RSMo, and section 643.315, RSMo, shall be charged to the owner. This section
129 shall not apply to vehicles being transferred on a manufacturer's statement of
130 origin.

131 11. Motor vehicles brought into this state in a wrecked or damaged
132 condition or after being towed as an abandoned vehicle pursuant to another
133 state's abandoned motor vehicle procedures shall, in lieu of the inspection
134 required by subsection 10 of this section, be inspected by the Missouri state

135 highway patrol in accordance with subsection 9 of this section. If the inspection
136 reveals the vehicle to be in a salvage or junk condition, the director shall so
137 indicate on any Missouri certificate of ownership issued for such vehicle. Any
138 salvage designation shall be carried forward on all subsequently issued
139 certificates of title for the motor vehicle.

140 12. When an application is made for an original Missouri certificate of
141 ownership for a motor vehicle previously registered or titled in a state other than
142 Missouri, and the certificate of ownership has been appropriately designated by
143 the issuing state as a reconstructed motor vehicle, motor change vehicle, specially
144 constructed motor vehicle, or prior salvage vehicle, the director of revenue shall
145 appropriately designate on the current Missouri and all subsequent issues of the
146 certificate of ownership the name of the issuing state and such prior
147 designation. The absence of any prior designation shall not relieve a transferor
148 of the duty to exercise due diligence with regard to such certificate of ownership
149 prior to the transfer of a certificate. If a transferor exercises any due diligence
150 with regard to a certificate of ownership, the legal transfer of a certificate of
151 ownership without any designation that is subsequently discovered to have or
152 should have had a designation shall be a transfer free and clear of any liabilities
153 of the transferor associated with the missing designation.

154 13. When an application is made for an original Missouri certificate of
155 ownership for a motor vehicle previously registered or titled in a state other than
156 Missouri, and the certificate of ownership has been appropriately designated by
157 the issuing state as non-USA-std motor vehicle, the director of revenue shall
158 appropriately designate on the current Missouri and all subsequent issues of the
159 certificate of ownership the words "Non-USA-Std Motor Vehicle".

160 14. The director of revenue and the superintendent of the Missouri state
161 highway patrol shall make and enforce rules for the administration of the
162 inspections required by this section.

163 15. Each application for an original Missouri certificate of ownership for
164 a vehicle which is classified as a reconstructed motor vehicle, manufactured forty
165 or more years prior to the current model year, and which has a value of three
166 thousand dollars or less shall be accompanied by:

167 (1) A proper affidavit submitted by the owner explaining how the motor
168 vehicle or trailer was acquired and, if applicable, the reasons a valid certificate
169 of ownership cannot be furnished;

170 (2) Photocopies of receipts, bills of sale establishing ownership, or titles,
171 and the source of all major component parts used to rebuild the vehicle;

172 (3) A fee of one hundred fifty dollars in addition to the fees described in
173 subsection 5 of this section. Such fee shall be deposited in the state treasury to
174 the credit of the state highways and transportation department fund; and

175 (4) An inspection certificate, other than a motor vehicle examination
176 certificate required under subsection 9 of this section, completed and issued by
177 the Missouri state highway patrol, or other law enforcement agency as authorized
178 by the director of revenue. The inspection performed by the highway patrol or
179 other authorized local law enforcement agency shall include a check for stolen
180 vehicles.

181 The department of revenue shall issue the owner a certificate of ownership
182 designated with the words "Reconstructed Motor Vehicle" and deliver such
183 certificate of ownership in accordance with the provisions of this
184 chapter. Notwithstanding subsection 9 of this section, no owner of a
185 reconstructed motor vehicle described in this subsection shall be required to
186 obtain a vehicle examination certificate issued by the Missouri state highway
187 patrol.

301.3150. 1. **[An] Before any organization obtains authorization**
2 **from the general assembly for the establishment of a new specialty**
3 **license plate, the** organization, other than an organization seeking a special
4 military license plate, that seeks authorization to establish a new specialty
5 license plate shall initially petition the department of revenue by submitting the
6 following:

7 (1) An application in a form prescribed by the director for the particular
8 specialty license plate being sought, describing the proposed specialty license
9 plate in general terms and have a sponsor of at least one current member of the
10 general assembly. The application may contain written testimony for support of
11 this specialty plate;

12 (2) Each application submitted pursuant to this section shall be
13 accompanied by a list of at least two hundred potential applicants who plan to
14 purchase the specialty plate if the specialty plate is approved pursuant to this
15 section;

16 (3) An application fee, not to exceed five thousand dollars, to defray the
17 department's cost for issuing, developing and programming the implementation
18 of the specialty plate, if authorized; and

19 (4) All moneys received by the department of revenue, for the reviewing
20 and development of specialty plates shall be deposited in the state treasury to the
21 credit of the "Department of Revenue Specialty Plate Fund" which is hereby

22 created. The state treasurer shall be custodian of the fund and shall make
23 disbursements from the fund requested by the Missouri director of revenue for
24 personal services, expenses, and equipment required to prepare, review, develop,
25 and disseminate a new specialty plate and process the two hundred applications
26 to be submitted once the plate is approved and to refund deposits for the
27 application of such specialty plate, if the application is not approved by the [joint
28 committee on transportation oversight] **general assembly through the**
29 **legislative process** and for no other purpose.

30 2. At the end of each state fiscal year, the director of revenue shall:

31 (1) Determine the amount of all moneys deposited into the department of
32 revenue specialty plate fund;

33 (2) Determine the amount of disbursements from the department of
34 revenue specialty plate fund which were made to produce the specialty plate and
35 process the two hundred applications; and

36 (3) Subtract the amount of disbursements from the income figure referred
37 to in subdivision (1) of this subsection and deliver this figure to the state
38 treasurer.

39 3. The state treasurer shall transfer an amount of money equal to the
40 figure provided by the director of revenue from the department of revenue
41 specialty plate fund to the state highway department fund. An unexpended
42 balance in the department of revenue specialty plate fund at the end of the
43 biennium not exceeding twenty-five thousand dollars shall be exempt from the
44 provisions of section 33.080, RSMo, relating to transfer of unexpended balances
45 to the general revenue fund.

46 4. The documents and fees required pursuant to this section shall be
47 submitted to the department of revenue by July first prior to the next regular
48 session of the general assembly to be approved or denied by the [joint committee
49 on transportation oversight] **general assembly** during that legislative session.

50 5. [The department of revenue shall give notice of any proposed specialty
51 plate in a manner reasonably calculated to advise the public of such
52 proposal. Reasonable notice shall include posting the proposal for the specialty
53 plate on the department's official public web site, and making available copies of
54 the specialty plate application to any representative of the news media or public
55 upon request and posting the application on a bulletin board or other prominent
56 public place which is easily accessible to the public and clearly designated for
57 that purpose at the principal office.

58 6. Adequate notice conforming with all the requirements of subsection 5

59 of this section shall be given not less than four weeks, exclusive of weekends and
60 holidays when the facility is closed, after the submission of the application by the
61 organization to the department of revenue. Written or electronic testimony in
62 support or opposition of the proposed specialty plate shall be submitted to the
63 department of revenue by November thirtieth of the year of filing of the original
64 proposal. All written testimony shall contain the printed name, signature,
65 address, phone number, and e-mail address, if applicable, of the individual giving
66 the testimony.

67 **7.] If legislation is filed by a member of the general assembly**
68 **establishing a special license plate to which the provisions of this**
69 **section are applicable,** the department of revenue shall [submit for approval
70 all applications for the development of specialty plates to the joint committee on
71 transportation oversight during a regular session of the general assembly for
72 approval] **forward to the oversight division of the committee on**
73 **legislative research a copy of the organization's special license plate**
74 **application and a statement describing whether or not the proposed**
75 **special license plate has been evaluated under the provisions of this**
76 **section and whether or not the organization sponsoring the special**
77 **license plate has submitted a list of at least two hundred applicants and**
78 **has submitted the appropriate application fee to defray the**
79 **department's cost for issuing and developing the special license plate.**

80 **[8.] 6.** If the specialty license plate requested by an organization is
81 approved **legislatively** by the [joint committee on transportation oversight]
82 **general assembly,** the organization shall submit the proposed art design for the
83 specialty license plate to the department as soon as practicable, but no later than
84 sixty days after the approval of the specialty license plate. **The ultimate**
85 **artwork, wording, and design of the specialty plate, however, shall be**
86 **determined by the director or shall be established by the legislative act**
87 **passed by the general assembly.** If the specialty license plate requested by
88 the organization is not approved by the [joint committee on transportation
89 oversight] **general assembly,** ninety-seven percent of the application fee shall
90 be refunded to the requesting organization.

91 **[9.] 7.** An emblem-use authorization fee may be charged by the
92 organization prior to the issuance of an approved specialty plate. The
93 [organization's specialty plate proposal approved by the joint committee on
94 transportation oversight] **statute enacted by the general assembly**
95 **authorizing the creation of a specialty plate** shall state what **emblem-use**

96 **authorization** fee is required to obtain such statement and if such fee is
97 required annually or biennially, if the applicant has a two-year registration. An
98 organization applying for specialty plates shall authorize the use of its official
99 emblem to be affixed on multiyear personalized license plates within the plate
100 area prescribed by the director of revenue and as provided in this section. Any
101 contribution to the organization derived from the emblem-use contribution, except
102 reasonable administrative costs, shall be used solely for the purposes of the
103 organization. Any member of the organization or nonmember, if applicable, may
104 annually apply for the use of the emblem, if applicable.

105 [10.] **8.** The department shall begin production and distribution of each
106 new specialty license plate within one year after approval of the specialty license
107 plate by the [joint committee on transportation oversight] **general assembly**.

108 [11.] **9.** The department shall issue a specialty license plate to the owner
109 who meets the requirements for issuance of the specialty plate for any motor
110 vehicle such owner owns, either solely or jointly, other than an apportioned motor
111 vehicle or a commercial motor vehicle licensed in excess of eighteen thousand
112 pounds gross weight.

113 [12.] **10.** Each new or renewed application for an approved specialty
114 license plate shall be made to the department of revenue, accompanied by an
115 additional fee of fifteen dollars and the appropriate emblem-use authorization
116 statement.

117 [13.] **11.** The appropriate registration fees, fifteen dollar specialty plate
118 fee, processing fees and documents otherwise required for the issuance of
119 registration of the motor vehicle as set forth by law must be submitted at the
120 time the specialty plates are actually issued and renewed or as otherwise
121 provided by law. However, no additional fee for the personalization of this plate
122 shall be charged.

123 [14.] **12.** Once a specialty plate design is [approved] **authorized by the**
124 **general assembly**, a request for such plate may be made any time during a
125 registration period. If a request is made for a specialty license plate to replace
126 a current valid license plate, all documentation, credits, and fees provided for in
127 this chapter when replacing a current license plate shall apply.

128 [15.] **13.** A vehicle owner who was previously issued a plate with an
129 organization emblem authorized by this section, but who does not provide an
130 emblem-use authorization statement at a subsequent time of registration if
131 required, shall be issued a new plate which does not bear the organization's
132 emblem, as otherwise provided by law.

133 [16.] 14. Specialty license plates shall bear a design **authorized by the**
134 **general assembly and** approved by the [organization submitting the original
135 application for approval by the joint committee on transportation oversight]
136 **director**. The design shall be within the plate area prescribed by the director
137 of revenue, and the designated organization's name or slogan shall be in place of
138 the words "SHOW-ME STATE". Such license plates shall be made with fully
139 reflective material with a common color scheme, shall be clearly visible at night,
140 shall have a reflective white background in the area of the plate configuration,
141 and shall be aesthetically attractive, as prescribed by section 301.130 and as
142 provided in this section. In addition to a design, the specialty license plates shall
143 be in accordance with criteria and plate design set forth in this chapter.

144 [17.] 15. The department is authorized to discontinue the issuance and
145 renewal of a specialty license plate if the organization has stopped providing
146 services and emblem-use authorization statements are no longer being issued by
147 the organization. Such organizations shall notify the department immediately to
148 discontinue the issuance of a specialty plate.

149 [18.] 16. The organization that requested the specialty license plate shall
150 not redesign the specialty personalized license plate unless such organization
151 pays the director in advance all redesigned plate fees. All plate holders of such
152 plates must pay the replacement fees prescribed in section 301.300 for the
153 replacement of the existing specialty plate. All other applicable license plate fees
154 in accordance with this chapter shall be required.

301.3154. [Beginning January 1, 2005,] The fee for any special license
2 plate [approved under section 21.795, RSMo, sections 301.3150 and 301.3152, and
3 this section] **authorized by the general assembly** shall be fifteen dollars for
4 an annual registration and thirty dollars for a biennial registration in addition
5 to registration fees. The provisions of this section shall not apply to special
6 military license plates. The fees for special military license plates shall be
7 assessed as provided for by the statute creating such license plate except that no
8 additional fee shall be charged for personalized military plates.

302.230. Any person who makes a false unsworn statement or affidavit or
2 knowingly swears or affirms falsely as to any matter or thing required by sections
3 302.010 to 302.540 shall be deemed guilty of a class [A misdemeanor] **D felony**.
4 No person who pleads guilty or nolo contendere, or is found guilty of making a
5 false statement or affidavit shall be licensed to operate a motor vehicle for a
6 period of one year after such plea, finding or conviction.

302.341. 1. If a Missouri resident charged with a moving traffic violation

2 of this state or any county or municipality of this state fails to dispose of the
3 charges of which he is accused through authorized prepayment of fine and court
4 costs and fails to appear on the return date or at any subsequent date to which
5 the case has been continued, or without good cause fails to pay any fine or court
6 costs assessed against him for any such violation within the period of time
7 specified or in such installments as approved by the court or as otherwise
8 provided by law, any court having jurisdiction over the charges shall within ten
9 days of the failure to comply inform the defendant by ordinary mail at the last
10 address shown on the court records that the court will order the director of
11 revenue to suspend the defendant's driving privileges if the charges are not
12 disposed of and fully paid within thirty days from the date of
13 mailing. Thereafter, if the defendant fails to timely act to dispose of the charges
14 and fully pay any applicable fines and court costs, the court shall notify the
15 director of revenue of such failure and of the pending charges against the
16 defendant. Upon receipt of this notification, the director shall suspend the
17 license of the driver, effective immediately, and provide notice of the suspension
18 to the driver at the last address for the driver shown on the records of the
19 department of revenue. Such suspension shall remain in effect until the court
20 with the subject pending charge requests setting aside the noncompliance
21 suspension pending final disposition, or satisfactory evidence of disposition of
22 pending charges and payment of fine and court costs, if applicable, is furnished
23 to the director by the individual. Upon proof of disposition of charges and
24 payment of fine and court costs, if applicable, and payment of the reinstatement
25 fee as set forth in section 302.304, the director shall return the license and
26 remove the suspension from the individual's driving record. The filing of
27 financial responsibility with the bureau of safety responsibility, department of
28 revenue, shall not be required as a condition of reinstatement of a driver's license
29 suspended solely under the provisions of this section.

30 2. If any city, town or village receives more than forty-five percent of its
31 total annual revenue from fines for traffic violations occurring on state highways,
32 all revenues from such violations in excess of forty-five percent of the total annual
33 revenue of the city, town or village shall be sent to the director of the department
34 of revenue and shall be distributed annually to the schools of the county in the
35 same manner that proceeds of all penalties, forfeitures and fines collected for any
36 breach of the penal laws of the state are distributed. For the purpose of this
37 section the words "state highways" shall mean any state or federal highway,
38 including any such highway continuing through the boundaries of a city, town or

39 village with a designated street name other than the state highway number.

40 **3. Notwithstanding subsection 2 of this section to the contrary,**
41 **if any city of the fourth classification with fewer than one thousand**
42 **inhabitants, which also has an interstate highway traversing through**
43 **its municipal boundaries, receives more than thirty-five percent of its**
44 **total annual revenue from fines for traffic violations occurring on state**
45 **highways, all revenues from such traffic violations in excess of thirty-**
46 **five percent of the total annual revenue of such city shall be sent to the**
47 **director of the department of revenue and shall be distributed annually**
48 **to the schools of the county in the same manner that proceeds of all**
49 **penalties, forfeitures, and fines collected for any breach of the penal**
50 **laws of the state are distributed. As used in this subsection, the term**
51 **"interstate highway" means a highway that is part of the interstate**
52 **system as defined in section 226.660, RSMo.**

302.545. 1. Any person who is less than twenty-one years of age and
2 whose driving privilege has been suspended or revoked, for a first determination
3 under sections 302.500 to 302.540, that such person was driving with
4 two-hundredths of one percent of blood alcohol content, shall have all official
5 records and all recordations maintained by the department of revenue of such
6 suspension or revocation expunged two years after the date of such suspension
7 or revocation, or when such person attains the age of twenty-one, whichever date
8 first occurs. Such expungement shall be performed by the department of revenue
9 without need of a court order. No records shall be expunged if the person was
10 found guilty or pled guilty to operating a commercial motor vehicle, as defined in
11 section 302.700, **or if the person was holding a commercial driver's**
12 **license at the time of the offense**, with a blood alcohol content of at least
13 four-hundredths of one percent.

14 2. The provisions of this section shall not apply to any person whose
15 license is suspended or revoked for a second or subsequent time pursuant to
16 subsection 1 of this section or who is convicted of any alcohol-related driving
17 offense before the age of twenty-one including, but not limited to:

18 (1) Driving while intoxicated pursuant to section 577.010, RSMo; or

19 (2) Driving with excessive blood alcohol content pursuant to section
20 577.012, RSMo.

302.700. 1. Sections 302.700 to 302.780 may be cited as the "Uniform
2 Commercial Driver's License Act".

3 2. When used in sections 302.700 to 302.780, the following words and

4 phrases mean:

5 (1) "Alcohol", any substance containing any form of alcohol, including, but
6 not limited to, ethanol, methanol, propanol and isopropanol;

7 (2) "Alcohol concentration", the number of grams of alcohol per one
8 hundred milliliters of blood or the number of grams of alcohol per two hundred
9 ten liters of breath or the number of grams of alcohol per sixty-seven milliliters
10 of urine;

11 (3) "Commercial driver's instruction permit", a permit issued pursuant to
12 section 302.720;

13 (4) "Commercial driver's license", a license issued by this state to an
14 individual which authorizes the individual to operate a commercial motor vehicle;

15 (5) "Commercial driver's license information system", the information
16 system established pursuant to the Commercial Motor Vehicle Safety Act of 1986
17 (Title XII of Pub. Law 99-570) to serve as a clearinghouse for locating information
18 related to the licensing and identification of commercial motor vehicle drivers;

19 (6) "Commercial motor vehicle", a motor vehicle designed or used to
20 transport passengers or property:

21 (a) If the vehicle has a gross combination weight rating of twenty-six
22 thousand one or more pounds inclusive of a towed unit which has a gross vehicle
23 weight rating of ten thousand one pounds or more;

24 (b) If the vehicle has a gross vehicle weight rating of twenty-six thousand
25 one or more pounds or such lesser rating as determined by federal regulation;

26 (c) If the vehicle is designed to transport sixteen or more passengers,
27 including the driver; or

28 (d) If the vehicle is transporting hazardous materials and is required to
29 be placarded under the Hazardous Materials Transportation Act (46 U.S.C. 1801
30 et seq.);

31 (7) "Controlled substance", any substance so classified under Section
32 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), and includes all
33 substances listed in schedules I through V of 21 CFR part 1308, as they may be
34 revised from time to time;

35 (8) "Conviction", an unvacated adjudication of guilt, including pleas of
36 guilt and nolo contendere, or a determination that a person has violated or failed
37 to comply with the law in a court of original jurisdiction or an authorized
38 administrative proceeding, an unvacated forfeiture of bail or collateral deposited
39 to secure the person's appearance in court, the payment of a fine or court cost, or
40 violation of a condition of release without bail, regardless of whether the penalty

41 is rebated, suspended or prorated, **including an offense for failure to appear**
42 **or pay;**

43 (9) "Director", the director of revenue or his authorized representative;

44 (10) "Disqualification", any of the following three actions:

45 (a) The suspension, revocation, or cancellation of a commercial driver's
46 license;

47 (b) Any withdrawal of a person's privileges to drive a commercial motor
48 vehicle by a state as the result of a violation of federal, state, county, municipal,
49 or local law relating to motor vehicle traffic control or violations committed
50 through the operation of motor vehicles, other than parking, vehicle weight, or
51 vehicle defect violations;

52 (c) A determination by the Federal Motor Carrier Safety Administration
53 that a person is not qualified to operate a commercial motor vehicle under 49
54 CFR Part 383.52 or Part 391;

55 (11) "Drive", to drive, operate or be in physical control of a commercial
56 motor vehicle;

57 (12) "Driver", any person who drives, operates, or is in physical control of
58 a motor vehicle, or who is required to hold a commercial driver's license;

59 (13) "Driving under the influence of alcohol", the commission of any one
60 or more of the following acts:

61 (a) Driving a commercial motor vehicle with the alcohol concentration of
62 four one-hundredths of a percent or more as prescribed by the secretary or such
63 other alcohol concentration as may be later determined by the secretary by
64 regulation;

65 (b) Driving a commercial or noncommercial motor vehicle while
66 intoxicated in violation of any federal or state law, or in violation of a county or
67 municipal ordinance;

68 (c) Driving a commercial or noncommercial motor vehicle with excessive
69 blood alcohol content in violation of any federal or state law, or in violation of a
70 county or municipal ordinance;

71 (d) Refusing to submit to a chemical test in violation of section 577.041,
72 RSMo, section 302.750, any federal or state law, or a county or municipal
73 ordinance; or

74 (e) Having any state, county or municipal alcohol-related enforcement
75 contact, as defined in subsection 3 of section 302.525; provided that any
76 suspension or revocation pursuant to section 302.505, committed in a
77 noncommercial motor vehicle by an individual twenty-one years of age or older

78 shall have been committed by the person with an alcohol concentration of at least
79 eight-hundredths of one percent or more, or in the case of an individual who is
80 less than twenty-one years of age, shall have been committed by the person with
81 an alcohol concentration of at least two-hundredths of one percent or more, and
82 if committed in a commercial motor vehicle, a concentration of four-hundredths
83 of one percent or more;

84 (14) "Driving under the influence of a controlled substance", the
85 commission of any one or more of the following acts in a commercial or
86 noncommercial motor vehicle:

87 (a) Driving a commercial or noncommercial motor vehicle while under the
88 influence of any substance so classified under Section 102(6) of the Controlled
89 Substances Act (21 U.S.C. 802(6)), including any substance listed in schedules I
90 through V of 21 CFR Part 1308, as they may be revised from time to time;

91 (b) Driving a commercial or noncommercial motor vehicle while in a
92 drugged condition in violation of any federal or state law or in violation of a
93 county or municipal ordinance; or

94 (c) Refusing to submit to a chemical test in violation of section 577.041,
95 RSMo, section 302.750, any federal or state law, or a county or municipal
96 ordinance;

97 (15) "Employer", any person, including the United States, a state, or a
98 political subdivision of a state, who owns or leases a commercial motor vehicle or
99 assigns a driver to operate such a vehicle;

100 (16) "Farm vehicle", a commercial motor vehicle controlled and operated
101 by a farmer used exclusively for the transportation of agricultural products, farm
102 machinery, farm supplies, or a combination of these, within one hundred fifty
103 miles of the farm, other than one which requires placarding for hazardous
104 materials as defined in this section, or used in the operation of a common or
105 contract motor carrier, except that a farm vehicle shall not be a commercial motor
106 vehicle when the total combined gross weight rating does not exceed twenty-six
107 thousand one pounds when transporting fertilizers as defined in subdivision (21)
108 of this subsection;

109 (17) "Fatality", the death of a person as a result of a motor vehicle
110 accident;

111 (18) "Felony", any offense under state or federal law that is punishable by
112 death or imprisonment for a term exceeding one year;

113 (19) "Gross combination weight rating" or "GCWR", the value specified by
114 the manufacturer as the loaded weight of a combination (articulated) vehicle. In

115 the absence of a value specified by the manufacturer, GCWR will be determined
116 by adding the GVWR of the power unit and the total weight of the towed unit and
117 any load thereon;

118 (20) "Gross vehicle weight rating" or "GVWR", the value specified by the
119 manufacturer as the loaded weight of a single vehicle;

120 (21) "Hazardous materials", [hazardous materials as specified in Section
121 103 of the Hazardous Materials Transportation Act (49 U.S.C. 1801 et seq.)] **any**
122 **material that has been designated as hazardous under 49 U.S.C. 5103**
123 **and is required to be placarded under subpart F of CFR part 172 or any**
124 **quantity of a material listed as a select agent or toxin in 42 CFR part**
125 **73. Fertilizers, including but not limited to ammonium nitrate, phosphate,**
126 **nitrogen, anhydrous ammonia, lime, potash, motor fuel or special fuel, shall not**
127 **be considered hazardous materials when transported by a farm vehicle provided**
128 **all other provisions of this definition are followed;**

129 (22) "Imminent hazard", the existence of a condition that presents a
130 substantial likelihood that death, serious illness, severe personal injury, or a
131 substantial endangerment to health, property, or the environment may occur
132 before the reasonably foreseeable completion date of a formal proceeding begins
133 to lessen the risk of that death, illness, injury, or endangerment;

134 (23) "Issuance", the initial licensure, license transfers, license renewals,
135 and license upgrades;

136 (24) "Motor vehicle", any self-propelled vehicle not operated exclusively
137 upon tracks;

138 (25) "Noncommercial motor vehicle", a motor vehicle or combination of
139 motor vehicles not defined by the term "commercial motor vehicle" in this section;

140 (26) "Out of service", a temporary prohibition against the operation of a
141 commercial motor vehicle by a particular driver, or the operation of a particular
142 commercial motor vehicle, or the operation of a particular motor carrier;

143 (27) "Out-of-service order", a declaration by the Federal Highway
144 Administration, or any authorized enforcement officer of a federal, state,
145 Commonwealth of Puerto Rico, Canadian, Mexican or any local jurisdiction, that
146 a driver, or a commercial motor vehicle, or a motor carrier operation, is out of
147 service;

148 (28) "School bus", a commercial motor vehicle used to transport
149 preprimary, primary, or secondary school students from home to school, from
150 school to home, or to and from school-sponsored events. School bus does not
151 include a bus used as a common carrier as defined by the Secretary;

- 152 (29) "Secretary", the Secretary of Transportation of the United States;
- 153 (30) "Serious traffic violation", driving a commercial motor vehicle in such
154 a manner that the driver receives a conviction for the following offenses or driving
155 a noncommercial motor vehicle when the driver receives a conviction for the
156 following offenses and the conviction results in the suspension or revocation of
157 the driver's license or noncommercial motor vehicle driving privilege:
- 158 (a) Excessive speeding, as defined by the Secretary by regulation;
- 159 (b) Careless, reckless or imprudent driving which includes, but shall not
160 be limited to, any violation of section 304.016, RSMo, any violation of section
161 304.010, RSMo, or any other violation of federal or state law, or any county or
162 municipal ordinance while driving a commercial motor vehicle in a willful or
163 wanton disregard for the safety of persons or property, or improper or erratic
164 traffic lane changes, or following the vehicle ahead too closely, but shall not
165 include careless and imprudent driving by excessive speed;
- 166 (c) A violation of any federal or state law or county or municipal ordinance
167 regulating the operation of motor vehicles arising out of an accident or collision
168 which resulted in death to any person, other than a parking violation;
- 169 (d) Driving a commercial motor vehicle without obtaining a commercial
170 driver's license in violation of any federal or state or county or municipal
171 ordinance;
- 172 (e) Driving a commercial motor vehicle without a commercial driver's
173 license in the driver's possession in violation of any federal or state or county or
174 municipal ordinance. Any individual who provides proof to the court which has
175 jurisdiction over the issued citation that the individual held a valid commercial
176 driver's license on the date that the citation was issued shall not be guilty of this
177 offense;
- 178 (f) Driving a commercial motor vehicle without the proper commercial
179 driver's license class or endorsement for the specific vehicle group being operated
180 or for the passengers or type of cargo being transported in violation of any federal
181 or state law or county or municipal ordinance; or
- 182 (g) Any other violation of a federal or state law or county or municipal
183 ordinance regulating the operation of motor vehicles, other than a parking
184 violation, as prescribed by the secretary by regulation;
- 185 (31) "State", a state, territory or possession of the United States, the
186 District of Columbia, the Commonwealth of Puerto Rico, Mexico, and any province
187 of Canada;
- 188 (32) "United States", the fifty states and the District of Columbia.

302.735. 1. An application shall not be taken from a nonresident after
2 September 30, 2005. The application for a commercial driver's license shall
3 include, but not be limited to, the applicant's legal name, mailing and residence
4 address, if different, a physical description of the person, including sex, height,
5 weight and eye color, the person's Social Security number, date of birth and any
6 other information deemed appropriate by the director. The application shall also
7 require, beginning September 30, 2005, the applicant to provide the names of all
8 states where the applicant has been previously licensed to drive any type of motor
9 vehicle during the preceding ten years.

10 2. A commercial driver's license shall expire on the applicant's birthday
11 in the sixth year after issuance, unless the license must be issued for a shorter
12 period due to other requirements of law or for transition or staggering of work as
13 determined by the director, and must be renewed on or before the date of
14 expiration. When a person changes such person's name an application for a
15 duplicate license shall be made to the director of revenue. When a person
16 changes such person's mailing address or residence the applicant shall notify the
17 director of revenue of said change, however, no application for a duplicate license
18 is required. A commercial license issued pursuant to this section to an applicant
19 less than twenty-one years of age and seventy years of age and older shall expire
20 on the applicant's birthday in the third year after issuance, unless the license
21 must be issued for a shorter period as determined by the director.

22 3. A commercial driver's license containing a hazardous materials
23 endorsement issued to an applicant who is between the age of twenty-one and
24 sixty-nine shall not be issued for a period exceeding five years from the approval
25 date of the security threat assessment as determined by the Transportation
26 Security Administration.

27 4. The director shall issue an annual commercial driver's license
28 containing a school bus endorsement to an applicant who is seventy years of age
29 or older. The fee for such license shall be seven dollars and fifty cents.

30 5. A commercial driver's license containing a hazardous materials
31 endorsement issued to an applicant who is seventy years of age or older shall not
32 be issued for a period exceeding three years. The director shall not require such
33 drivers to obtain a security threat assessment more frequently than such
34 assessment is required by the Transportation Security Administration under the
35 Uniting and Strengthening America by Providing Appropriate Tools Required to
36 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001.

37 **(1) The state shall immediately revoke a hazardous materials**

38 **endorsement upon receipt of an initial determination of threat**
39 **assessment and immediate revocation from the Transportation Security**
40 **Administration as defined by 49 CFR 1572.13(a).**

41 **(2) The state shall revoke or deny a hazardous materials**
42 **endorsement within fifteen days of receipt of a final determination of**
43 **threat assessment from the Transportation Security Administration as**
44 **required by CFR 1572.13(a).**

45 6. The fee for a commercial driver's license or renewal commercial driver's
46 license issued for a period greater than three years shall be forty dollars.

47 7. The fee for a commercial driver's license or renewal commercial driver's
48 license issued for a period of three years or less shall be twenty dollars.

49 8. The fee for a duplicate commercial driver's license shall be twenty
50 dollars.

51 9. In order for the director to properly transition driver's license
52 requirements under the Motor Carrier Safety Improvement Act of 1999 and the
53 Uniting and Strengthening America by Providing Appropriate Tools Required to
54 Intercept and Obstruct Terrorism Act (USA PATRIOT ACT) of 2001, the director
55 is authorized to stagger expiration dates and make adjustments for any fees,
56 including driver examination fees that are incurred by the driver as a result of
57 the initial issuance of a transitional license required to comply with such acts.

58 10. Within thirty days after moving to this state, the holder of a
59 commercial driver's license shall apply for a commercial driver's license in this
60 state. The applicant shall meet all other requirements of sections 302.700 to
61 302.780, except that the director may waive the driving test for a commercial
62 driver's license as required in section 302.720 if the applicant for a commercial
63 driver's license has a valid commercial driver's license from a state which has
64 requirements for issuance of such license comparable to those in this state.

65 11. Any person who falsifies any information in an application or test for
66 a commercial driver's license shall not be licensed to operate a commercial motor
67 vehicle, or the person's commercial driver's license shall be canceled, for a period
68 of one year after the director discovers such falsification.

69 12. Beginning July 1, 2005, the director shall not issue a commercial
70 driver's license under this section unless the director verifies that the applicant
71 is lawfully present in the United States before accepting the application. If
72 lawful presence is granted for a temporary period, no commercial driver's license
73 shall be issued. The director may, by rule or regulation, establish procedures to
74 verify the lawful presence of the applicant and establish the duration of any

75 commercial driver's license issued under this section. No rule or portion of a rule
76 promulgated pursuant to the authority of this section shall become effective
77 unless it has been promulgated pursuant to chapter 536, RSMo.

78 13. (1) Effective December 19, 2005, notwithstanding any provisions of
79 subsections 1 and 5 of this section to the contrary, the director may issue a
80 nonresident commercial driver's license to a resident of a foreign jurisdiction if
81 the United States Secretary of Transportation has determined that the
82 commercial motor vehicle testing and licensing standards in the foreign
83 jurisdiction do not meet the testing standards established in 49 C.F.R. Part 383.

84 (2) Any applicant for a nonresident commercial driver's license must
85 present evidence satisfactory to the director that the applicant currently has
86 employment with an employer in this state. The nonresident applicant must
87 meet the same testing, driver record requirements, conditions, and is subject to
88 the same disqualification and conviction reporting requirements applicable to
89 resident commercial drivers.

90 (3) The nonresident commercial driver's license will expire on the same
91 date that the documents establishing lawful presence for employment expire. The
92 word "nonresident" shall appear on the face of the nonresident commercial
93 driver's license. Any applicant for a Missouri nonresident commercial driver's
94 license must first surrender any nonresident commercial driver's license issued
95 by another state.

96 (4) The nonresident commercial driver's license applicant must pay the
97 same fees as required for the issuance of a resident commercial driver's license.

98 14. Foreign jurisdiction for purposes of issuing a nonresident commercial
99 driver's license under this section shall not include any of the fifty states of the
100 United States or Canada or Mexico.

302.755. 1. A person is disqualified from driving a commercial motor
2 vehicle for a period of not less than one year if convicted of a first violation of:

3 (1) Driving a motor vehicle under the influence of alcohol or a controlled
4 substance, **or of an alcohol-related enforcement contact as defined in**
5 **subsection 3 of section 302.525;**

6 (2) Driving a commercial motor vehicle which causes a fatality through
7 the negligent operation of the commercial motor vehicle, including but not limited
8 to the crimes of vehicular manslaughter, homicide by motor vehicle, and negligent
9 homicide;

10 (3) Driving a commercial motor vehicle while revoked pursuant to section
11 302.727;

12 (4) Leaving the scene of an accident involving a commercial or
13 noncommercial motor vehicle operated by the person;

14 (5) Using a commercial or noncommercial motor vehicle in the commission
15 of any felony, as defined in section 302.700, except a felony as provided in
16 subsection 4 of this section.

17 2. If any of the violations described in subsection 1 of this section occur
18 while transporting a hazardous material the person is disqualified for a period
19 of not less than three years.

20 3. Any person is disqualified from operating a commercial motor vehicle
21 for life if convicted of two or more violations of any of the offenses specified in
22 subsection 1 of this section, or any combination of those offenses, arising from two
23 or more separate incidents. The director may issue rules and regulations, in
24 accordance with guidelines established by the secretary, under which a
25 disqualification for life under this section may be reduced to a period of not less
26 than ten years.

27 4. Any person is disqualified from driving a commercial motor vehicle for
28 life who uses a commercial or noncommercial motor vehicle in the commission of
29 any felony involving the manufacture, distribution, or dispensing of a controlled
30 substance, or possession with intent to manufacture, distribute, or dispense a
31 controlled substance.

32 5. Any person is disqualified from operating a commercial motor vehicle
33 for a period of not less than sixty days if convicted of two serious traffic violations
34 or one hundred twenty days if convicted of three serious traffic violations, arising
35 from separate incidents occurring within a three-year period.

36 6. Any person found to be operating a commercial motor vehicle while
37 having any measurable alcohol concentration shall immediately be issued a
38 continuous twenty-four-hour out-of-service order by a law enforcement officer in
39 this state.

40 7. Any person who is convicted of operating a commercial motor vehicle
41 beginning at the time of issuance of the out-of-service order until its expiration
42 is guilty of a class A misdemeanor.

43 8. Any person convicted for the first time of driving while out of service
44 shall be disqualified from driving a commercial motor vehicle [for a period of
45 ninety days] **in the manner prescribed in 49 CFR Part 383, or as amended**
46 **by the Secretary.**

47 9. Any person convicted of driving while out of service on a second
48 occasion during any ten-year period, involving separate incidents, shall be

49 disqualified [for a period of one year] **in the manner prescribed in 49 CFR**
50 **Part 383, or as amended by the Secretary.**

51 10. Any person convicted of driving while out of service on a third or
52 subsequent occasion during any ten-year period, involving separate incidents,
53 shall be disqualified for a period of three years.

54 11. Any person convicted of a first violation of an out-of-service order
55 while transporting hazardous materials or while operating a motor vehicle
56 designed to transport sixteen or more passengers, including the driver, is
57 disqualified for a period of one hundred eighty days.

58 12. Any person convicted of any subsequent violation of an out-of-service
59 order in a separate incident within ten years after a previous violation, while
60 transporting hazardous materials or while operating a motor vehicle designed to
61 transport fifteen passengers, including the driver, is disqualified for a period of
62 three years.

63 13. Any person convicted of any other offense as specified by regulations
64 promulgated by the Secretary of Transportation shall be disqualified in
65 accordance with such regulations.

66 14. After suspending, revoking, canceling or disqualifying a driver, the
67 director shall update records to reflect such action and notify a nonresident's
68 licensing authority and the commercial driver's license information system within
69 ten days in the manner prescribed in 49 CFR Part 384, or as amended by the
70 Secretary.

71 15. Any person disqualified from operating a commercial motor vehicle
72 pursuant to subsection 1, 2, 3 or 4 of this section shall have such commercial
73 driver's license canceled, and upon conclusion of the period of disqualification
74 shall take the written and driving tests and meet all other requirements of
75 sections 302.700 to 302.780. Such disqualification and cancellation shall not be
76 withdrawn by the director until such person reapplies for a commercial driver's
77 license in this or any other state after meeting all requirements of sections
78 302.700 to 302.780.

79 16. The director shall disqualify a driver upon receipt of notification that
80 the Secretary has determined a driver to be an imminent hazard pursuant to 49
81 CFR, Part 383.52. Due process of a disqualification determined by the Secretary
82 pursuant to this section shall be held in accordance with regulations promulgated
83 by the Secretary. The period of disqualification determined by the Secretary
84 pursuant to this section shall be served concurrently to any other period of
85 disqualification which may be imposed by the director pursuant to this

86 section. Both disqualifications shall appear on the driving record of the driver.

87 **17. The director shall disqualify a commercial license holder or**
88 **operator of a commercial vehicle from operation of any commercial**
89 **motor vehicle upon receipt of a conviction for an offense of failure to**
90 **appear or pay, and such disqualification shall remain in effect until the**
91 **director receives notice that the person has complied with the**
92 **requirement to appear or pay.**

302.775. The provisions of sections 302.700 to 302.780 shall not apply to:

2 (1) Any person driving a farm vehicle as defined in section 302.700 **which**
3 **is:**

4 **(a) Controlled and operated by a farmer, including operation by**
5 **employees or family members;**

6 **(b) Used to transport agricultural products, farm machinery,**
7 **farm supplies, or both, to or from a farm;**

8 **(c) Not used in the operations of a common or contract motor**
9 **carrier; and**

10 **(d) Used within two hundred forty-one kilometers or one**
11 **hundred fifty miles of the farmer's farm;**

12 (2) Any active duty military personnel, members of the reserves and
13 national guard on active duty, including personnel on full-time national guard
14 duty, personnel on part-time training and national guard military technicians,
15 while driving [military] vehicles for military purposes;

16 (3) Any person who drives emergency or fire equipment necessary to the
17 preservation of life or property or the execution of emergency governmental
18 functions under emergency conditions;

19 (4) Any person qualified to operate the equipment under subdivision (3)
20 of this section when operating such equipment in other functions such as parades,
21 special events, repair, service or other authorized movements;

22 (5) Any person driving or pulling a recreational vehicle, as defined in
23 sections 301.010 and 700.010, RSMo, for personal use; and

24 (6) Any other class of persons exempted by rule or regulation of the
25 director, which rule or regulation is in compliance with the Commercial Motor
26 Vehicle Safety Act of 1986 and any amendments or regulations drafted to that
27 act.

304.155. 1. Any law enforcement officer within the officer's jurisdiction,
2 or an officer of a government agency where that agency's real property is
3 concerned, may authorize a towing company to remove to a place of safety:

- 4 (1) Any abandoned property on the right-of-way of:
- 5 (a) Any interstate highway or freeway in an urbanized area, left
6 unattended for ten hours, or immediately if a law enforcement officer determines
7 that the abandoned property is a serious hazard to other motorists, provided that
8 commercial motor vehicles not hauling materials designated as hazardous under
9 49 U.S.C. 5103(a) may only be removed under this subdivision to a place of safety
10 until the owner or owner's representative has had a reasonable opportunity to
11 contact a towing company of choice;
- 12 (b) Any interstate highway or freeway outside of an urbanized area, left
13 unattended for ~~[forty-eight]~~ **twenty-four** hours, or after four hours if a law
14 enforcement officer determines that the abandoned property is a serious hazard
15 to other motorists, provided that commercial motor vehicles not hauling materials
16 designated as hazardous under 49 U.S.C. 5103(a) may only be removed under this
17 subdivision to a place of safety until the owner or owner's representative has had
18 a reasonable opportunity to contact a towing company of choice;
- 19 (c) Any state highway other than an interstate highway or freeway in an
20 urbanized area, left unattended for more than ten hours; or
- 21 (d) Any state highway other than an interstate highway or freeway
22 outside of an urbanized area, left unattended for more than forty-eight hours;
23 provided that commercial motor vehicles not hauling waste designated as
24 hazardous under 49 U.S.C. 5103(a) may only be removed under this subdivision
25 to a place of safety until the owner or owner's representative has had a
26 reasonable opportunity to contact a towing company of choice;
- 27 (2) Any unattended abandoned property illegally left standing upon any
28 highway or bridge if the abandoned property is left in a position or under such
29 circumstances as to obstruct the normal movement of traffic where there is no
30 reasonable indication that the person in control of the property is arranging for
31 its immediate control or removal;
- 32 (3) Any abandoned property which has been abandoned under section
33 577.080, RSMo;
- 34 (4) Any abandoned property which has been reported as stolen or taken
35 without consent of the owner;
- 36 (5) Any abandoned property for which the person operating such property
37 is arrested for an alleged offense for which the officer ~~[is required to take]~~ **takes**
38 the person into custody and where such person is unable to arrange for the
39 property's timely removal;
- 40 (6) Any abandoned property which due to any other state law or local

41 ordinance is subject to towing because of the owner's outstanding traffic or
42 parking violations;

43 (7) Any abandoned property left unattended in violation of a state law or
44 local ordinance where signs have been posted giving notice of the law or where
45 the violation causes a safety hazard; [or]

46 (8) Any abandoned property illegally left standing on the waters of this
47 state as defined in section 306.010, RSMo, where the abandoned property is
48 obstructing the normal movement of traffic, or where the abandoned property has
49 been unattended for more than ten hours or is floating loose on the water; **or**

50 **(9) Any abandoned property for which the person operating such**
51 **property or vehicle eludes arrest for an alleged offense for which the**
52 **officer would have taken the offender into custody.**

53 2. The [state transportation] department of **transportation or any law**
54 **enforcement officer within the officer's jurisdiction** may immediately
55 remove any abandoned, unattended, wrecked, burned or partially dismantled
56 property, spilled cargo or other personal property from the [roadway] **right of**
57 **way of any interstate highway, freeway, or** state highway if the abandoned
58 property, cargo or personal property is creating a traffic hazard because of its
59 position in relation to the **interstate highway, freeway, or** state highway. In
60 the event the property creating a traffic hazard is a commercial motor vehicle, as
61 defined in section 302.700, RSMo, the department's authority under this
62 subsection shall be limited to authorizing a towing company to remove the
63 commercial motor vehicle to a place of safety, except that the owner of the
64 commercial motor vehicle or the owner's designated representative shall have a
65 reasonable opportunity to contact a towing company of choice. The provisions of
66 this subsection shall not apply to vehicles transporting any material which has
67 been designated as hazardous under Section 5103(a) of Title 49, U.S.C.

68 3. Any law enforcement agency authorizing a tow pursuant to this section
69 in which the abandoned property is moved from the immediate vicinity shall
70 complete a crime inquiry and inspection report. Any state or federal government
71 agency other than a law enforcement agency authorizing a tow pursuant to this
72 section in which the abandoned property is moved away from the immediate
73 vicinity in which it was abandoned shall report the towing to the state highway
74 patrol or water patrol within two hours of the tow along with a crime inquiry and
75 inspection report as required in this section. Any local government agency, other
76 than a law enforcement agency, authorizing a tow pursuant to this section where
77 property is towed away from the immediate vicinity shall report the tow to the

78 local law enforcement agency within two hours along with a crime inquiry and
79 inspection report.

80 4. Neither the law enforcement officer, government agency official nor
81 anyone having custody of abandoned property under his direction shall be liable
82 for any damage to such abandoned property occasioned by a removal authorized
83 by this section or by ordinance of a county or municipality licensing and
84 regulating the sale of abandoned property by the municipality, other than
85 damages occasioned by negligence or by willful or wanton acts or omissions.

86 5. The owner of abandoned property removed as provided in this section
87 or in section 304.157 shall be responsible for payment of all reasonable charges
88 for towing and storage of such abandoned property as provided in section 304.158.

89 6. Upon the towing of any abandoned property pursuant to this section or
90 under authority of a law enforcement officer or local government agency pursuant
91 to section 304.157, the law enforcement agency that authorized such towing or
92 was properly notified by another government agency of such towing shall
93 promptly make an inquiry with the national crime information center and any
94 statewide Missouri law enforcement computer system to determine if the
95 abandoned property has been reported as stolen and shall enter the information
96 pertaining to the towed property into the statewide law enforcement computer
97 system. If the abandoned property is not claimed within ten working days of the
98 towing, the tower who has online access to the department of revenue's records
99 shall make an inquiry to determine the abandoned property owner and lienholder,
100 if any, of record. In the event that the records of the department of revenue fail
101 to disclose the name of the owner or any lienholder of record, the tower shall
102 comply with the requirements of subsection 3 of section 304.156. If the tower
103 does not have online access, the law enforcement agency shall submit a crime
104 inquiry and inspection report to the director of revenue. A towing company that
105 does not have online access to the department's records and that is in possession
106 of abandoned property after ten working days shall report such fact to the law
107 enforcement agency with which the crime inquiry and inspection report was
108 filed. The crime inquiry and inspection report shall be designed by the director
109 of revenue and shall include the following:

110 (1) The year, model, make and property identification number of the
111 property and the owner and any lienholders, if known;

112 (2) A description of any damage to the property noted by the officer
113 authorizing the tow;

114 (3) The license plate or registration number and the state of issuance, if

115 available;

116 (4) The storage location of the towed property;

117 (5) The name, telephone number and address of the towing company;

118 (6) The date, place and reason for the towing of the abandoned property;

119 (7) The date of the inquiry of the national crime information center, any

120 statewide Missouri law enforcement computer system and any other similar

121 system which has titling and registration information to determine if the

122 abandoned property had been stolen. This information shall be entered only by

123 the law enforcement agency making the inquiry;

124 (8) The signature and printed name of the officer authorizing the tow;

125 [and]

126 (9) The name of the towing company, the signature and printed name of

127 the towing operator, and an indicator disclosing whether the tower has online

128 access to the department's records; **and**

129 (10) Any additional information the director of revenue deems

130 appropriate.

131 7. One copy of the crime inquiry and inspection report shall remain with

132 the agency which authorized the tow. One copy shall be provided to and retained

133 by the storage facility and one copy shall be retained by the towing facility in an

134 accessible format in the business records for a period of three years from the date

135 of the tow or removal.

136 8. The owner of such abandoned property, or the holder of a valid security

137 interest of record, may reclaim it from the towing company upon proof of

138 ownership or valid security interest of record and payment of all reasonable

139 charges for the towing and storage of the abandoned property.

140 9. Any person who removes abandoned property at the direction of a law

141 enforcement officer or an officer of a government agency where that agency's real

142 property is concerned as provided in this section shall have a lien for all

143 reasonable charges for the towing and storage of the abandoned property until

144 possession of the abandoned property is voluntarily relinquished to the owner of

145 the abandoned property or to the holder of a valid security interest of

146 record. Any personal property within the abandoned property need not be

147 released to the owner thereof until the reasonable or agreed charges for such

148 recovery, transportation or safekeeping have been paid or satisfactory

149 arrangements for payment have been made, except that any medication

150 prescribed by a physician shall be released to the owner thereof upon

151 request. The company holding or storing the abandoned property shall either

152 release the personal property to the owner of the abandoned property or allow the
153 owner to inspect the property and provide an itemized receipt for the
154 contents. The company holding or storing the property shall be strictly liable for
155 the condition and safe return of the personal property. Such lien shall be
156 enforced in the manner provided under section 304.156.

157 10. Towing companies shall keep a record for three years on any
158 abandoned property towed and not reclaimed by the owner of the abandoned
159 property. Such record shall contain information regarding the authorization to
160 tow, copies of all correspondence with the department of revenue concerning the
161 abandoned property, including copies of any online records of the towing company
162 accessed and information concerning the final disposition of the possession of the
163 abandoned property.

164 11. If a lienholder repossesses any motor vehicle, trailer, all-terrain
165 vehicle, outboard motor or vessel without the knowledge or cooperation of the
166 owner, then the reposessor shall notify the local law enforcement agency where
167 the repossession occurred within two hours of the repossession and shall further
168 provide the local law enforcement agency with any additional information the
169 agency deems appropriate. The local law enforcement agency shall make an
170 inquiry with the national crime information center and the Missouri statewide
171 law enforcement computer system and shall enter the repossessed vehicle into the
172 statewide law enforcement computer system.

173 12. Notwithstanding the provisions of section 301.227, RSMo, any towing
174 company who has complied with the notification provisions in section 304.156
175 including notice that any property remaining unredeemed after thirty days may
176 be sold as scrap property may then dispose of such property as provided in this
177 subsection. Such sale shall only occur if at least thirty days has passed since the
178 date of such notification, the abandoned property remains unredeemed with no
179 satisfactory arrangements made with the towing company for continued storage,
180 and the owner or holder of a security agreement has not requested a hearing as
181 provided in section 304.156. The towing company may dispose of such abandoned
182 property by selling the property on a bill of sale as prescribed by the director of
183 revenue to a scrap metal operator or licensed salvage dealer for destruction
184 purposes only. The towing company shall forward a copy of the bill of sale
185 provided by the scrap metal operator or licensed salvage dealer to the director of
186 revenue within two weeks of the date of such sale. The towing company shall
187 keep a record of each such vehicle sold for destruction for three years that shall
188 be available for inspection by law enforcement and authorized department of

189 revenue officials. The record shall contain the year, make, identification number
190 of the property, date of sale, and name of the purchasing scrap metal operator or
191 licensed salvage dealer and copies of all notifications issued by the towing
192 company as required in this chapter. Scrap metal operators or licensed salvage
193 dealers shall keep a record of the purchase of such property as provided in section
194 301.227, RSMo. Scrap metal operators and licensed salvage dealers may obtain
195 a junk certificate as provided in section 301.227, RSMo, on vehicles purchased on
196 a bill of sale pursuant to this section.

304.170. 1. No vehicle operated upon the highways of this state shall
2 have a width, including load, in excess of one hundred two inches, except
3 clearance lights, rearview mirrors or other accessories required by federal, state
4 or city law or regulation. Provided however, a recreational vehicle as defined in
5 section 700.010, RSMo, may exceed the foregoing width limits if the
6 appurtenances on such recreational vehicle extend no further than the rearview
7 mirrors. Such mirrors may only extend the distance necessary to provide the
8 required field of view before the appurtenances were attached.

9 2. No vehicle operated upon the interstate highway system or upon any
10 route designated by the chief engineer of the state transportation department
11 shall have a height, including load, in excess of fourteen feet. On all other
12 highways, no vehicle shall have a height, including load, in excess of thirteen and
13 one-half feet, except that any vehicle or combination of vehicles transporting
14 automobiles or other motor vehicles may have a height, including load, of not
15 more than fourteen feet.

16 3. No single motor vehicle operated upon the highways of this state shall
17 have a length, including load, in excess of forty-five feet, except as otherwise
18 provided in this section.

19 4. No bus, recreational motor vehicle or trackless trolley coach operated
20 upon the highways of this state shall have a length in excess of forty-five feet,
21 except that such vehicles may exceed the forty-five feet length when such excess
22 length is caused by the projection of a front safety bumper or a rear safety
23 bumper or both. Such safety bumper shall not cause the length of the bus or
24 recreational motor vehicle to exceed the forty-five feet length limit by more than
25 one foot in the front and one foot in the rear. The term "safety bumper" means
26 any device which may be fitted on an existing bumper or which replaces the
27 bumper and is so constructed, treated, or manufactured that it absorbs energy
28 upon impact.

29 5. No combination of truck-tractor and semitrailer or truck-tractor

30 equipped with dromedary and semitrailer operated upon the highways of this
31 state shall have a length, including load, in excess of sixty feet; except that in
32 order to comply with the provisions of Title 23 of the United States Code (Public
33 Law 97-424), no combination of truck-tractor and semitrailer or truck-tractor
34 equipped with dromedary and semitrailer operated upon the interstate highway
35 system of this state shall have an overall length, including load, in excess of the
36 length of the truck-tractor plus the semitrailer or truck-tractor equipped with
37 dromedary and semitrailer. The length of such semitrailer shall not exceed
38 fifty-three feet.

39 6. In order to comply with the provisions of Title 23 of the United States
40 Code (Public Law 97-424), no combination of truck-tractor, semitrailer and trailer
41 operated upon the interstate highway system of this state shall have an overall
42 length, including load, in excess of the length of the truck-tractor plus the
43 semitrailer and trailer, neither of which semitrailer or trailer shall exceed
44 twenty-eight feet in length, except that any existing semitrailer or trailer up to
45 twenty-eight and one-half feet in length actually and lawfully operated on
46 December 1, 1982, within a sixty-five foot overall length limit in any state, may
47 continue to be operated upon the interstate highways of this state. On those
48 primary highways not designated by the state highways and transportation
49 commission as provided in subsection 10 of this section, no combination of
50 truck-tractor, semitrailer and trailer shall have an overall length, including load,
51 in excess of sixty-five feet; provided, however, the state highways and
52 transportation commission may designate additional routes for such sixty-five foot
53 combinations.

54 7. Automobile transporters, boat transporters, truck-trailer boat
55 transporter combinations, stinger-steered combination automobile transporters
56 and stinger-steered combination boat transporters having a length not in excess
57 of seventy-five feet may be operated on the interstate highways of this state and
58 such other highways as may be designated by the highways and transportation
59 commission for the operation of such vehicles plus a distance not to exceed ten
60 miles from such interstate or designated highway. All length provisions
61 regarding automobile or boat transporters, truck-trailer boat transporter
62 combinations and stinger-steered combinations shall include a semitrailer length
63 not to exceed fifty-three feet and are exclusive of front and rear overhang, which
64 shall be no greater than a three-foot front overhang and no greater than a
65 four-foot rear overhang.

66 8. Driveaway saddlemount combinations having a length not in excess of

67 ninety-seven feet may be operated on the interstate highways of this state and
68 such other highways as may be designated by the highways and transportation
69 commission for the operation of such vehicles plus a distance not to exceed ten
70 miles from such interstate or designated highway. Saddle-mount combinations
71 must comply with the safety requirements of Section 393.71 of Title 49 of the
72 Code of Federal Regulations and may contain no more than three saddle-mounted
73 vehicles and one full-mount.

74 9. No truck-tractor semitrailer-semitrailer combination vehicles operated
75 upon the interstate and designated primary highway system of this state shall
76 have a semitrailer length in excess of twenty-eight feet or twenty-eight and
77 one-half feet if the semitrailer was in actual and lawful operation in any state on
78 December 1, 1982, operating in a truck-tractor semitrailer-semitrailer
79 combination. The B-train assembly is excluded from the measurement of
80 semitrailer length when used between the first and second semitrailer of a
81 truck-tractor semitrailer-semitrailer combination, except that when there is no
82 semitrailer mounted to the B-train assembly, it shall be included in the length
83 measurement of the semitrailer.

84 10. The highways and transportation commission is authorized to
85 designate routes on the state highway system other than the interstate system
86 over which those combinations of vehicles of the lengths specified in subsections
87 5, 6, 7, 8 and 9 of this section may be operated. Combinations of vehicles
88 operated under the provisions of subsections 5, 6, 7, 8 and 9 of this section may
89 be operated at a distance not to exceed ten miles from the interstate system and
90 such routes as designated under the provisions of this subsection.

91 11. Except as provided in subsections 5, 6, 7, 8, 9 and 10 of this section,
92 no other combination of vehicles operated upon the primary or interstate
93 highways of this state plus a distance of ten miles from a primary or interstate
94 highway shall have an overall length, unladen or with load, in excess of sixty-five
95 feet or in excess of fifty-five feet on any other highway, except the state highways
96 and transportation commission may designate additional routes for use by
97 sixty-five foot combinations, seventy-five foot stinger-steered combinations or
98 seventy-five foot saddle-mount combinations. Any vehicle or combination of
99 vehicles transporting automobiles, boats or other motor vehicles may carry a load
100 which extends no more than three feet beyond the front and four feet beyond the
101 rear of the transporting vehicle or combination of vehicles.

102 12. (1) Except as hereinafter provided, these restrictions shall not apply
103 to agricultural implements operating occasionally on the highways for short

104 distances[,] **including tractor parades for fund-raising activities or**
105 **special events, provided the tractors are driven by licensed drivers**
106 **during daylight hours only and with the approval of the superintendent**
107 **of the Missouri state highway patrol;** or to self-propelled hay-hauling
108 equipment or to implements of husbandry, or to the movement of farm products
109 as defined in section [400.9-109] **400.9-102**, RSMo, or to vehicles temporarily
110 transporting agricultural implements or implements of husbandry or roadmaking
111 machinery, or road materials or towing for repair purposes vehicles that have
112 become disabled upon the highways; or to implement dealers delivering or moving
113 farm machinery for repairs on any state highway other than the interstate
114 system.

115 (2) Implements of husbandry and vehicles transporting such machinery
116 or equipment and the movement of farm products as defined in section 400.9.109,
117 RSMo, may be operated occasionally for short distances on state highways when
118 operated between the hours of sunrise and sunset by a driver licensed as an
119 operator or chauffeur.

120 13. As used in this chapter the term "implements of husbandry" means
121 all self-propelled machinery operated at speeds of less than thirty miles per hour,
122 specifically designed for, or especially adapted to be capable of, incidental
123 over-the-road and primary offroad usage and used exclusively for the application
124 of commercial plant food materials or agricultural chemicals, and not specifically
125 designed or intended for transportation of such chemicals and materials.

126 14. Sludge disposal units may be operated on all state highways other
127 than the interstate system. Such units shall not exceed one hundred thirty-eight
128 inches in width and may be equipped with over-width tires. Such units shall
129 observe all axle weight limits. The chief engineer of the state transportation
130 department shall issue special permits for the movement of such disposal units
131 and may by such permits restrict the movements to specified routes, days and
132 hours.

304.260. Farm tractors when using the highways in traveling from one
2 field or farm to another, or to or from places of delivery or repair, **or when**
3 **participating in activities or events permitted under subsection 12 of**
4 **section 304.170** are exempt from the provisions of the law relating to
5 registration and display of number plates, but shall comply with all the other
6 provisions hereof. The state highways and transportation commission shall have
7 the power and authority to prescribe the type of road upon which such tractors
8 may be used and may exclude the use of such tractors or the use of trucks of any

9 particular weight from the use of certain designated roads or types of roads, by
10 the posting of signs along or upon such roads or any part thereof.

304.284. No automated photo red light enforcement system
2 summons or citation may be issued unless a law enforcement officer
3 located within the municipality employing the use of an automated
4 photo red light system can clearly identify a violation of a traffic
5 control signal and can make a positive identification of the driver of
6 the vehicle. As used in this section, the term "automated photo red
7 light enforcement system" shall mean a device, consisting of a camera
8 or cameras and a vehicle sensor or sensors, installed to work in
9 conjunction with a traffic control signal, which is used to produce
10 recorded images of motor vehicles entering an intersection against a
11 red signal indication.

304.285. Any person operating a motorcycle or bicycle who
2 violates the provisions of section 304.281 or section 304.301 by entering
3 or crossing an intersection controlled by a traffic control signal against
4 a red light shall have an affirmative defense to that charge if the
5 person establishes all of the following conditions:

6 (1) The motorcycle or bicycle has been brought to a complete
7 stop;

8 (2) The traffic control signal continues to show a red light for an
9 unreasonable time;

10 (3) The traffic control is apparently malfunctioning or, if
11 programmed or engineered to change to a green light only after
12 detecting the approach of a motor vehicle, the signal has apparently
13 failed to detect the arrival of the motorcycle; and

14 (4) No motor vehicle or person is approaching on the street or
15 highway to be crossed or entered or is so far away from the
16 intersection that it does not constitute an immediate hazard.

17 The affirmative defense of this section applies only to a violation for
18 entering or crossing an intersection controlled by a traffic control
19 signal against a red light and does not provide a defense to any other
20 civil or criminal action.

304.820. 1. Except as provided in subsection 2 of this section, no
2 person operating a moving motor vehicle upon the highways of this
3 state shall, by means of an electronic wireless communications device,
4 send, read, or write a text message or electronic message.

5 2. The provisions of subsection 1 of this section shall not apply
6 to a person operating:

7 (1) An authorized emergency vehicle; or

8 (2) A moving motor vehicle while using an electronic wireless
9 communications device to:

10 (a) Report illegal activity;

11 (b) Summon medical or other emergency help;

12 (c) Prevent injury to a person or property; or

13 (d) Relay information between a transit or for-hire operator and
14 that operator's dispatcher, in which the device is permanently affixed
15 to the vehicle.

16 3. Nothing in this section shall be construed or interpreted as
17 prohibiting a person from making or taking part in a telephone call, by
18 means of an electronic wireless communications device, while
19 operating a motor vehicle upon the highways of this state.

20 4. As used in this section, "electronic message" means a self-
21 contained piece of digital communication that is designed or intended
22 to be transmitted between electronic wireless communication
23 devices. "Electronic message" includes, but is not limited to, electronic
24 mail, a text message, an instant message, or a command or request to
25 access an Internet site.

26 5. As used in this section, "electronic wireless communications
27 device" includes any cellular phone, palm pilot, blackberry, or other
28 mobile electronic device used to communicate verbally or by text or
29 electronic messaging, but shall not include any built-in navigational or
30 emergency road service assistance system.

31 6. As used in this section, "making or taking part in a telephone
32 call" means listening to or engaging in verbal communication through
33 an electronic wireless communication device.

34 7. As used in this section, "send, read, or write a text message or
35 electronic message" means using an electronic wireless
36 telecommunications device to manually communicate with any person
37 by using an electronic message. Sending, reading, or writing a text
38 message or electronic message does not include reading, selecting, or
39 entering a phone number or name into an electronic wireless
40 communications device for the purpose of making a telephone call.

41 8. A violation of this section shall be deemed an infraction and

42 **shall be deemed a moving violation for purposes of point assessment**
43 **under section 302.302, RSMo.**

44 **9. The state preempts the field of regulating the use of electronic**
45 **wireless communications devices in motor vehicles, and the provisions**
46 **of this section shall supercede any local laws, ordinances, orders, rules,**
47 **or regulations enacted by a county, municipality, or other political**
48 **subdivision to regulate the use of electronic wireless communication**
49 **devices by the operator of a motor vehicle.**

307.350. 1. The owner of every motor vehicle as defined in section
2 301.010, RSMo, which is required to be registered in this state, except:

3 (1) [New] Motor vehicles [which have not been previously titled and
4 registered,] for the [two-year] **ten-year** period following their model year of
5 manufacture;

6 (2) Those motor vehicles which are engaged in interstate commerce and
7 are proportionately registered in this state with the Missouri highway reciprocity
8 commission, although the owner may request that such vehicle be inspected by
9 an official inspection station, and a peace officer may stop and inspect such
10 vehicles to determine whether the mechanical condition is in compliance with the
11 safety regulations established by the United States Department of
12 Transportation; and

13 (3) Historic motor vehicles registered pursuant to section 301.131, RSMo;
14 shall submit such vehicles to a biennial inspection of their mechanism and
15 equipment in accordance with the provisions of sections 307.350 to 307.390 and
16 obtain a certificate of inspection and approval and a sticker, seal, or other device
17 from a duly authorized official inspection station. The inspection, except the
18 inspection of school buses which shall be made at the time provided in section
19 307.375, shall be made at the time prescribed in the rules and regulations issued
20 by the superintendent of the Missouri state highway patrol; but the inspection of
21 a vehicle shall not be made more than sixty days prior to the date of application
22 for registration or within sixty days of when a vehicle's registration is
23 transferred. Any vehicle manufactured as an even-numbered model year vehicle
24 shall be inspected and approved pursuant to the safety inspection program
25 established pursuant to sections 307.350 to 307.390 in each even-numbered
26 calendar year and any such vehicle manufactured as an odd-numbered model year
27 vehicle shall be inspected and approved pursuant to sections 307.350 to 307.390
28 in each odd-numbered year. The certificate of inspection and approval shall be
29 a sticker, seal, or other device or combination thereof, as the superintendent of

30 the Missouri state highway patrol prescribes by regulation and shall be displayed
31 upon the motor vehicle or trailer as prescribed by the regulations established by
32 him. The replacement of certificates of inspection and approval which are lost or
33 destroyed shall be made by the superintendent of the Missouri state highway
34 patrol under regulations prescribed by him.

35 2. For the purpose of obtaining an inspection only, it shall be lawful to
36 operate a vehicle over the most direct route between the owner's usual place of
37 residence and an inspection station of such owner's choice, notwithstanding the
38 fact that the vehicle does not have a current state registration license. It shall
39 also be lawful to operate such a vehicle from an inspection station to another
40 place where repairs may be made and to return the vehicle to the inspection
41 station notwithstanding the absence of a current state registration license.

42 3. No person whose motor vehicle was duly inspected and approved as
43 provided in this section shall be required to have the same motor vehicle again
44 inspected and approved for the sole reason that such person wishes to obtain a
45 set of any special personalized license plates available pursuant to section
46 301.144, RSMo, or a set of any license plates available pursuant to section
47 301.142, RSMo, prior to the expiration date of such motor vehicle's current
48 registration.

49 4. Notwithstanding the provisions of section 307.390, violation of this
50 section shall be deemed an infraction.

311.326. After a period of not less than one year, or upon reaching the age
2 of twenty-one, whichever occurs first, a person who has pleaded guilty to or has
3 been found guilty of violating section 311.325 for the first time, and who since
4 such conviction has not been convicted of any other alcohol-related offense, may
5 apply to the court in which he or she was sentenced for an order to expunge all
6 official records of his or her arrest, plea, trial and conviction. **No records shall**
7 **be expunged if the person who has plead guilty to or has been found**
8 **guilty of violating section 311.325 is licensed as a commercial motor**
9 **vehicle driver or was operating a commercial motor vehicle as defined**
10 **in section 302.700, RSMo, at the time of the violation.** If the court
11 determines, upon review, that such person has not been convicted of any other
12 alcohol-related offense at the time of the application for expungement, and the
13 person has had no other alcohol-related enforcement contacts, as defined in
14 section 302.525, RSMo, the court shall enter an order of expungement. The effect
15 of such an order shall be to restore such person to the status he or she occupied
16 prior to such arrest, plea or conviction, as if such event had never happened. No

17 person as to whom such order has been entered shall be held thereafter under
18 any provision of any law to be guilty of perjury or otherwise giving a false
19 statement by reason of his or her failure to recite or acknowledge such arrest,
20 plea, trial, conviction or expungement in response to any inquiry made of him or
21 her for any purpose whatsoever. A person shall be entitled to only one
22 expungement pursuant to this section. Nothing contained in this section shall
23 prevent courts or other state officials from maintaining such records as are
24 necessary to ensure that an individual receives only one expungement pursuant
25 to this section.

387.040. 1. No motor carrier subject to the provisions of this chapter shall
2 engage or participate in the transportation of passengers or household goods,
3 between points within this state, until its schedules of rates, fares and charges
4 shall have been filed and published in accordance with the provisions of this
5 chapter. Any motor carrier, which shall undertake to perform any service or
6 furnish any product or commodity unless or until the rates, tolls, fares, charges,
7 classifications and rules and regulations relating thereto, applicable to such
8 service, product or commodity, have been filed with the [division of motor carrier
9 and railroad safety] **highways and transportation commission** and published
10 in accordance with the provisions of this chapter, shall be subject to forfeiture to
11 the state pursuant to the provisions of sections 390.156 to 390.176, RSMo.

12 **2. Notwithstanding subsection 1 of this section, a motor carrier**
13 **shall not be required to file its schedules of rates, fares, and charges for**
14 **shipments of household goods that are transported wholly or**
15 **exclusively within a commercial zone as defined in 390.020, RSMo, or**
16 **within a commercial zone established by the highways and**
17 **transportation commission pursuant to the provisions of subdivision (4)**
18 **of section 390.041, RSMo.**

643.303. 1. Beginning September 1, 2007, emissions inspections required
2 by sections 643.300 to 643.355 shall be conducted through a decentralized
3 emissions program that meets the requirements of this section. Prior to
4 September 1, 2007, the air conservation commission shall develop a decentralized
5 emissions inspection program that allows official inspection stations to conduct
6 on-board diagnostic emission inspections of 1996 model year and newer motor
7 vehicles equipped with on-board diagnostic systems meeting the federal
8 Environmental Protection Agency On-Board Diagnostics II (OBDII)
9 standards. The decentralized emissions inspection program shall, at a minimum,
10 provide for the following:

11 (1) The periodic inspection of certain motor vehicles as required under
12 section 643.315;

13 (2) The certification and operation of official emissions inspection stations
14 and the licensing of emission inspectors;

15 (3) The testing of motor vehicles through on-board diagnostic testing
16 technologies;

17 (4) The training, certification, and supervision of emission inspectors and
18 other personnel; and

19 (5) Procedures for certifying test results and for reporting and
20 maintaining relevant data records.

21 2. In addition to any other criteria established by the commission under
22 section 643.320 or by rule, the decentralized emissions inspection program shall
23 allow any official inspection station located in an area described in subsection 1
24 of section 643.305 otherwise qualified by the Missouri state highway patrol to
25 conduct motor vehicle safety inspections under section 307.360, RSMo, to conduct
26 on-board diagnostic emission inspections. Any motor vehicle safety inspection
27 station that desires to conduct emissions inspections shall submit an application
28 for a certificate of authorization to the commission as provided for under section
29 643.320. Other individuals, corporations, or entities that do not conduct motor
30 vehicle safety inspections may conduct emission inspections provided they meet
31 the qualifications set forth in sections 643.300 to 643.355 and the rules
32 promulgated by the commission. Applications shall be made upon a form
33 designated by the commission and shall contain such information as may be
34 required by the commission. A certificate of authorization issued under section
35 643.320 to conduct emission inspections shall be issued only after the commission
36 has made a determination that the applicant's proposed inspection station will
37 be properly equipped, has the necessary licensed emission inspectors to conduct
38 inspections, and meets all other requirements of sections 643.300 to 643.355 or
39 rules promulgated to carry out the provisions of those sections.

40 3. The decentralized emissions inspection program shall allow any official
41 inspection station that is certified to conduct an on-board diagnostic emission
42 inspection under sections 643.300 to 643.355 to repair motor vehicles in order to
43 bring such vehicles into compliance with sections 643.300 to 643.355, if such
44 station and personnel meet the qualifications to conduct emission repairs as set
45 forth in sections 643.300 to 643.355. An official emission inspection station may
46 elect to be an emissions test-only station or may elect to conduct both emission
47 inspections and repairs.

48 4. The commission is authorized to begin certification of official inspection
49 stations prior to September 1, 2007, in order to implement the decentralized
50 emissions inspection program. Prior to January 1, 2007, the department of
51 natural resources shall issue a report to the general assembly and the governor
52 regarding the progress of implementing the decentralized emissions inspection
53 program. The report shall include, but not be limited to, a summary describing
54 how many inspection stations or individuals the department expects to
55 participate in the program and how many inspection stations or individuals will
56 be qualified by September 1, 2007, to conduct such emissions inspections.

57 5. The commission may, as a part of implementing the decentralized
58 emissions inspection program, use remote sensing devices to collect information
59 regarding the vehicle fleet emissions characteristics and registration compliance
60 within the area described in subsection 1 of section 643.305. The decentralized
61 emissions inspection program established by the commission may also include a
62 clean screen program that utilizes remote sensing devices. Owners of eligible
63 vehicles who comply with clean screen/remote sensing procedures shall be deemed
64 to have complied with the mandatory inspection requirements for the next
65 inspection cycle. As used in this subsection, the term "clean screen program"
66 shall mean a procedure or system that utilizes remote sensing technologies to
67 determine whether a motor vehicle has acceptable emission levels and then allows
68 the motor vehicle owner to bypass the emissions inspection test required under
69 section 643.315.

70 6. The decentralized emissions inspection program may include a gas cap
71 pressure test and a visual inspection component, and such tests may be included
72 as part of the motor vehicle safety inspection test under section 307.350, RSMo,
73 **if such motor vehicle is otherwise required to undergo an inspection**
74 **under section 307.350, RSMo.**

75 7. As used in sections 643.300 to 643.355, "decentralized emissions
76 inspection program" means an emissions inspection program under which a
77 certified emissions inspector conducts emissions inspection testing at an official
78 inspection station.

79 8. The decentralized emission inspection program shall satisfy the
80 requirements established by regulation of the United States Environmental
81 Protection Agency.

82 9. The decentralized emissions inspection program established by the
83 commission and sections 643.300 to 643.355 shall not be construed to be a new
84 program as described in section 23.253, RSMo, and the decentralized emissions

85 inspection program shall not be subject to the sunset mandate prescribed by
86 sections 23.250 to 23.298, RSMo.

87 10. No later than July 1, 2007, the department of natural resources and
88 the Missouri highway patrol shall enter into an interagency agreement covering
89 all aspects of the administration and enforcement of sections 643.300 to 643.355.

90 11. No later than July 1, 2007, the air conservation commission shall
91 promulgate rules for the implementation of this section. Any rule or portion of
92 a rule, as that term is defined in section 536.010, RSMo, that is created under the
93 authority delegated in this section shall become effective only if it complies with
94 and is subject to all of the provisions of chapter 536, RSMo, and, if applicable,
95 section 536.028, RSMo. This section and chapter 536, RSMo, are nonseverable
96 and if any of the powers vested with the general assembly under chapter 536,
97 RSMo, to review, to delay the effective date, or to disapprove and annul a rule are
98 subsequently held unconstitutional, then the grant of rulemaking authority and
99 any rule proposed or adopted after August 28, 2006, shall be invalid and void.

100 12. Prior to September 1, 2007, the department of natural resources shall
101 actively promote participation in the decentralized emissions inspection program
102 among qualified motor vehicle dealers, service stations, and other
103 individuals. After the implementation of the decentralized emission inspection
104 program, the department shall monitor participation in such program. In
105 determining whether there are a sufficient number of individuals conducting
106 motor vehicle emission inspections under the decentralized program, the
107 department shall attempt to ensure, through promotional efforts, that no more
108 than twenty percent of all persons residing in the affected nonattainment area
109 reside farther than five miles from the nearest inspection station.

643.315. 1. Except as provided in sections 643.300 to 643.355, all motor
2 vehicles which are domiciled, registered or primarily operated in an area for
3 which the commission has established a motor vehicle emissions inspection
4 program pursuant to sections 643.300 to 643.355 shall be inspected and approved
5 prior to sale or transfer; provided that, if such vehicle is inspected and approved
6 prior to sale or transfer, such vehicle shall not be subject to another emissions
7 inspection for ninety days after the date of sale or transfer of such vehicle. In
8 addition, any such vehicle manufactured as an even-numbered model year vehicle
9 shall be inspected and approved under the emissions inspection program
10 established pursuant to sections 643.300 to 643.355 in each even-numbered
11 calendar year and any such vehicle manufactured as an odd-numbered model year
12 vehicle shall be inspected and approved under the emissions inspection program

13 established pursuant to sections 643.300 to 643.355 in each odd-numbered
14 calendar year. All motor vehicles subject to the inspection requirements of
15 sections 643.300 to 643.355 shall display a valid emissions inspection sticker, and
16 when applicable, a valid emissions inspection certificate shall be presented at the
17 time of registration or registration renewal of such motor vehicle. The
18 department of revenue shall require evidence of the safety and emission
19 inspection and approval required by this section in issuing the motor vehicle
20 annual registration in conformity with the procedure required by sections 307.350
21 to 307.390, RSMo, and sections 643.300 to 643.355. The director of revenue may
22 verify that a successful safety and emissions inspection was completed via
23 electronic means.

24 2. The inspection requirement of subsection 1 of this section shall apply
25 to all motor vehicles except:

26 (1) Motor vehicles with a manufacturer's gross vehicle weight rating in
27 excess of eight thousand five hundred pounds;

28 (2) Motorcycles and motortricycles if such vehicles are exempted from the
29 motor vehicle emissions inspection under federal regulation and approved by the
30 commission by rule;

31 (3) Model year vehicles manufactured prior to 1996;

32 (4) Vehicles which are powered exclusively by electric or hydrogen power
33 or by fuels other than gasoline which are exempted from the motor vehicle
34 emissions inspection under federal regulation and approved by the commission
35 by rule;

36 (5) Motor vehicles registered in an area subject to the inspection
37 requirements of sections 643.300 to 643.355 which are domiciled and operated
38 exclusively in an area of the state not subject to the inspection requirements of
39 sections 643.300 to 643.355, but only if the owner of such vehicle presents to the
40 department an affidavit that the vehicle will be operated exclusively in an area
41 of the state not subject to the inspection requirements of sections 643.300 to
42 643.355 for the next twenty-four months, and the owner applies for and receives
43 a waiver which shall be presented at the time of registration or registration
44 renewal;

45 (6) New and unused motor vehicles, of model years of the current calendar
46 year and of any calendar year within two years of such calendar year, which have
47 an odometer reading of less than six thousand miles at the time of original sale
48 by a motor vehicle manufacturer or licensed motor vehicle dealer to the first user;

49 (7) Historic motor vehicles registered pursuant to section 301.131, RSMo;

50 (8) School buses;

51 (9) Heavy-duty diesel-powered vehicles with a gross vehicle weight rating
52 in excess of eight thousand five hundred pounds;

53 (10) New motor vehicles that have not been previously titled and
54 registered, for the four-year period following their model year of manufacture,
55 provided the odometer reading for such motor vehicles are under forty thousand
56 miles [at their first required biennial safety inspection conducted under sections
57 307.350 to 307.390, RSMo] **two years after such motor vehicles were**
58 **initially registered**; otherwise such motor vehicles shall be subject to the
59 emissions inspection requirements of subsection 1 of this section [during the same
60 period that the biennial safety inspection is conducted]; and

61 (11) Motor vehicles that are driven fewer than twelve thousand miles
62 between biennial safety inspections.

63 3. The commission may, by rule, allow inspection reciprocity with other
64 states having equivalent or more stringent testing and waiver requirements than
65 those established pursuant to sections 643.300 to 643.355.

66 4. (1) At the time of sale, a licensed motor vehicle dealer, as defined in
67 section 301.550, RSMo, may choose to sell a motor vehicle subject to the
68 inspection requirements of sections 643.300 to 643.355 either:

69 (a) With prior inspection and approval as provided in subdivision (2) of
70 this subsection; or

71 (b) Without prior inspection and approval as provided in subdivision (3)
72 of this subsection.

73 (2) If the dealer chooses to sell the vehicle with prior inspection and
74 approval, the dealer shall disclose, in writing, prior to sale, whether the vehicle
75 obtained approval by meeting the emissions standards established pursuant to
76 sections 643.300 to 643.355 or by obtaining a waiver pursuant to section 643.335.
77 A vehicle sold pursuant to this subdivision by a licensed motor vehicle dealer
78 shall be inspected and approved within the one hundred twenty days immediately
79 preceding the date of sale, and, for the purpose of registration of such vehicle,
80 such inspection shall be considered timely.

81 (3) If the dealer chooses to sell the vehicle without prior inspection and
82 approval, the purchaser may return the vehicle within ten days of the date of
83 purchase, provided that the vehicle has no more than one thousand additional
84 miles since the time of sale, if the vehicle fails, upon inspection, to meet the
85 emissions standards specified by the commission and the dealer shall have the
86 vehicle inspected and approved without the option for a waiver of the emissions

87 standard and return the vehicle to the purchaser with a valid emissions
88 certificate and sticker within five working days or the purchaser and dealer may
89 enter into any other mutually acceptable agreement. If the dealer chooses to sell
90 the vehicle without prior inspection and approval, the dealer shall disclose
91 conspicuously on the sales contract and bill of sale that the purchaser has the
92 option to return the vehicle within ten days, provided that the vehicle has no
93 more than one thousand additional miles since the time of sale, to have the dealer
94 repair the vehicle and provide an emissions certificate and sticker within five
95 working days if the vehicle fails, upon inspection, to meet the emissions
96 standards established by the commission, or enter into any mutually acceptable
97 agreement with the dealer. A violation of this subdivision shall be an unlawful
98 practice as defined in section 407.020, RSMo. No emissions inspection shall be
99 required pursuant to sections 643.300 to 643.360 for the sale of any motor vehicle
100 which may be sold without a certificate of inspection and approval, as provided
101 pursuant to subsection 2 of section 307.380, RSMo.

[301.3152. Any person or organization who has received a
2 notice of denial of application for development of a specialty plate
3 may make a request to the joint committee on transportation
4 oversight within fifteen days of receipt of the notice for a review of
5 the committee's determination at a hearing before the committee
6 at a time deemed appropriate.]

Section B. The repeal and reenactment of sections 301.147, 301.190,
2 307.350, 643.303, and 643.315 of this act shall become effective on January 1,
3 2010.

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